

*County Council*  
Thursday, 25th May, 2023



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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

17 May 2023

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 25th May, 2023 at 2.15 pm.**

A handwritten signature in purple ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke.

Chief Executive

[a period of quiet reflection will be offered by Mr Keith Denby, the Humanist representative on SACRE, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

**AGENDA**

1. **Apologies for Absence**
2. **Election of Chair**
3. **Appointment of Vice-Chair**
4. **Appointment of Deputy Leader of the Council**
5. **Cabinet Members and Allocation of Remits**

The Leader of the Council to move:

"that the Council note that Members shown in the Appendix (to follow) will be appointed to hold office until the date of the Annual Meeting in 2024, together with the remits shown therein".

**6. Minutes**

To approve as a correct record and sign the minutes of the meeting held on 16 February 2023, previously circulated.

**7. Announcements**

**8. Items Requiring Urgent Attention**

**9. Appointment of Committees**

Councillor Hughes to move:

(a) that in accordance with Standing Order 21 the County Council appoints those Committees, Joint Committees and Working Parties/Panels as shown in the Appendix circulated prior to the meeting and uploaded to the website with terms of reference set out in the Council's Constitution or set out therein for the period expiring at the date of the Annual Meeting of the Council in 2024;

(b) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members of the Council be appointed as voting members to those Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels referred to at (a) above in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the proposed allocation of seats as between political party groups and set out for the time being in the Appendix circulated prior to the meeting and uploaded to the website;

(c) that, as in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated with the agenda for the period expiring at the date of the Annual Meeting of the Council in 2024;

(d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council; and

(e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the Annual Meeting of the Council in 2024 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors.

The Appendix will follow.

**10. Appointment of Chair's and Vice-Chair's of Committees**

Councillor Hughes to move:

'that Members shown in the Appendix be elected Chair and Vice-Chair of those Committees as indicated therein to hold office until the date of the Annual meeting of the Council in 2024'

The appendix will follow.

**11. 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.

**12. Petitions from Members of the Council**

**13. Questions from Members of the Council**

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

**FRAMEWORK DECISION**

**14. Governance Review Plan (Pages 1 - 30)**

To Council is asked to receive and approve the Report which gives a framework for a forthcoming Governance Review, as recommended by the Procedures Committee (25<sup>th</sup> April 2023) (Minute 33 refers as replicated below).

**RESOLVED** that Council be recommended to:

(a) establish a cross-party working group comprising up to 7 Members, to progress a root and branch Governance Review, noting recommendation (b) below which gives flexibility for wider membership as the review progresses;

(b) that the Director of Legal and Democratic Services, in consultation with the Chair of Procedures Committee be authorised to appoint additional Members to the working group, in line with the review themes;

(c) approve the proposed approach, programme and timeline for the Governance Review, as set out in Appendix 1; and

(d) that the Director of Legal and Democratic Service, in consultation with the Chair of Procedures Committee be authorised to implement any changes to the Governance review programme which are required.

The Report is attached.

*Electoral Divisions(s): All Divisions*



## **OTHER MATTERS**

### **15. Cabinet Member Reports**

To consider reports from Cabinet Members.

### **16. Minutes**

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

- (a) Appeals Committee - 27 February 2023 (Pages 31 - 32)
- (b) Appeals Committee - 24 April 2023 (Pages 33 - 34)
- (c) Audit Committee - 28 February 2023 (Pages 35 - 40)
- (d) Investment and Pension Fund Committee - 3 March 2023 (Pages 41 - 50)
- (e) Public Rights of Way Committee - 9 March 2023 (Pages 51 - 56)
- (f) Standards Committee - 16 March 2023 (Pages 57 - 62)
- (g) Appointments, Remuneration and Chief Officer Conduct Committee - 27 March 2023 (Pages 63 - 64)  
*The Council is asked to approve minute 59 relating to the appointment of Rebecca Hopkins to the post of Deputy Director Children's Services - Head of Children's Social Care.*
- (h) Appointments, Remuneration and Chief Officer Conduct Committee - 12 April 2023 (Pages 65 - 66)
- (i) Appointments, Remuneration and Chief Officer Conduct Committee - 27 April 2023 (Pages 67 - 70)  
*The Council is asked to approve minutes 66 and 67 relating to the appointment of Matthew Jones to the post of Director of Transformation and Business Services and Maria Chakraborty to the post of Director of People and Culture.*
- (j) Appointments, Remuneration and Chief Officer Conduct Committee - 9 May 2023 (Pages 71 - 72)  
*The Council is asked to approve minute 71 relating to the appointment of Stuart Collins to the post of Director Children and Young People's Futures.*
- (k) Appointments, Remuneration and Chief Officer Conduct Committee - 25 May 2023  
The minutes will be published here as soon as possible - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=201&MId=4916&Ver=4>
- (l) Procedures Committee - 25 April 2023 (Pages 73 - 76)
- (m) Development Management Committee - 26 April 2023 (Pages 77 - 80)

- (n) Corporate Infrastructure and Regulatory Services Scrutiny Committee (Special Meeting) - 21 February 2023 (Pages 81 - 82)
- (o) Children's Scrutiny Committee - 14 March 2023 (Pages 83 - 88)
- (p) Health and Adult Care Scrutiny Committee - 21 March 2023 (Pages 89 - 96)
- (q) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 23 March 2023 (Pages 97 - 104)

**17. Scrutiny Annual Report 2022-2023** (Pages 105 - 144)

To receive the Scrutiny Annual Report, a copy of which can be viewed on the website at [Document 2022 - 2023 Annual Report - Democracy in Devon](#) and is attached to this agenda.

The infographic from each review is also attached.

**NOTICES OF MOTION**

**18. Protect the Right to Free Camp on Dartmoor (Minute 188 of 16 February 2023)**

To receive and consider the recommendations of the Cabinet (Minute 301(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

Devon County Council joins with the thousands of Devon residents and is beyond shocked and appalled by the effective ban on wild camping on Dartmoor arising from a recent court decision.

This Council supports Dartmoor National Park in its rightful and spirited defence of wild camping, a right enjoyed by generations of local people and visitors.

Council condemns the loss of this right and calls on Government to enact urgent legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor.

Council asks the Leader and Chief Exec to write in the strongest terms to Members of Parliament for Devon, the relevant Secretaries of State and the Prime Minister urging them to act to restore the right to wild camp on Dartmoor.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/4) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that the County Council:

(a) shares the concern expressed by this Notice of Motion (and the one submitted by Councillor Barnes) about the legal implications of this High Court ruling for the right to backpack camp on relevant parts of Dartmoor, particularly in the light of long-standing tradition of such activity and the resulting benefits for physical and mental wellbeing of connecting with nature in this way;

(b) endorses the actions taken by Dartmoor National Park Authority in its efforts to uphold the ability for the public to enjoy responsibly this activity on an ongoing basis, including its promotion of a 'Backpack Camping Code'; and it is recognised that motorised vehicles, campervans and sleeping in cars is not included in the backpack camping code and will be subject to regulation and enforcement to avoid harm to Dartmoor's moorland environment; and

(c) calls on the Secretary of State for the Environment to support appropriately these endeavours across relevant parts of the Dartmoor Commons.

**19. Forced Installation of Prepayment Meters (Minute 189 - 16 February 2023)**

To receive and consider the recommendations of the Cabinet (Minute 301(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

Citizens advice says across the UK 3.2 million people on prepay meters were left with cold and dark homes last year as they ran out of credit. Also 600,000 people were switched from credit meters to prepay in 2022, compared with 380,000 in 2021. With more freezing weather forecast we welcome British Gas announcement that it will halt the use of warrants to install prepayment meters.

This Council

1. calls on Government to urgently review how energy vulnerability can be reduced including considering extra financial support for struggling households; and

2. calls on energy suppliers to agree a three-month moratorium on the installations of gas or electricity prepayment meters including freeze on the use of court warrants to gain entry to homes to fit prepay meters, or automatic switching of smart meters onto prepayment ones.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/4) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to:

(a) continue to work with and support local partners, including Team Devon Councils, the NHS and the voluntary and community sector, on supporting vulnerable households; and

(b) write to the Secretary of State, with a copy to Devon MPs, urging Government to: reduce energy vulnerability through financial support for struggling households; introduce a moratorium on the installation of gas or electricity prepayment meters; cease the use of court warrants to gain entry to homes to fit prepayment meters or the automatic switching of smart meters onto prepayment ones.

**20. Special Education Needs (SEND) Budgets and Deficits (Minute 190 - 16 February 2023)**

To receive and consider the recommendations of the Cabinet (Minute 301(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

Councils like DCC use the high needs funding block of the DSG to fund statutory Special Education Needs provision as required by law. Since its introduction the government has repeatedly refused to fund this adequately. This has meant that to meet its statutory duty DCC has spent £127m from reserves to fund this. The Government has allowed Councils like DCC to keep ever increasing deficits on spending for children with special educational needs and disabilities off their balance sheets and has approved an extension of this for a further three years.

The Government's local government finance policy statement published in December says that the statutory override for the Dedicated Schools Grant (DSG) will be extended for the next three years, from 2023-24 to 2025-26.

This money has already been spent on SEND services by DCC to the tune of £127m by the end of this financial year. Across the UK the total deficit by all councils is expected to be £2.3bn which the Government is refusing to fund. This deficit in Devon will only increase and can only be met out of our reserves or borrowing. Our reserves have already been run down to breaking point and the deficit has arisen as a result of the Government's withdrawal of £135 m of Revenue Support Grant and inadequate funding in the DSG.

The statutory override means that any DSG deficits are not included in DCC Council's main revenue budgets. It also means that £127m is now unavailable to invest to save in much needed capital projects to benefit Devon residents.

The Government has said it may consent to a capitalisation of some or all of this deficit. This means that DCC would have to take out long-term borrowing at current interest rates of up to £127m so that the borrowed money could be available for capital spending on projects in Devon. It is contrary to local government law for us to do this without consent and it is also contrary to good economic planning to borrow money (other than in the short term by way of an overdraft) to be spent to pay off deficits for revenue spending or to fund revenue services.

People in Devon would in effect be asked through their council tax to fund the paying off of this revenue debt run up by the Government's refusal to fund SEND services. This loan would to be repaid over, say, 25 years. This means our residents their children or grandchildren will be paying through council tax to pay off the capital and interest on the loan for services that they obtained no benefit from as they have already been provided before the loan was taken out.

This Council

1. Calls on the Government to pay DCC £127m, for this SEND deficit in 2023 so that this money can be used to invest in Devon.
2. Believes it is wrong for Government to expect local authorities like Devon to borrow money on capital markets to fund past and present services.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/4) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that the Council welcomes the concern and support shown by all Members, demonstrating the desire across the County Council to ensure a secure future where children with special needs receive the educational support they need and in the right settings. To that end, the Council reaffirms its strong commitment to achieve a financially sustainable future for special educational needs and thereby also provide parents and carers of children with special needs with confidence and reassurance'.

**21. Dartmoor National Park (Minute 191 - 16 February 2023)**

To receive and consider the recommendations of the Cabinet (Minute 301(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Barnes and referred thereto in accordance with Standing Order 8(2), namely:

In January, the right to backpack camp on certain common land in Dartmoor National Park without permission from the landowner was lost after a wealthy landowner took the park authority to court. It was the last place in England and Wales where there was a right to backpack camp. Under an agreement reached, the National Park Authority will now have to pay landowners an unknown fee for permission to camp on land that

private landowners are willing to put forward.

This Council believes that

- Dartmoor National Park provides many opportunities for all of Devon's residents to responsibly enjoy and protect our great open spaces
- The ancient right to sleep under the stars on Dartmoor should be protected for future generations

This Council resolves to

- Criticise the decision made to restrict the right to backpack camp on Dartmoor National Park
- Robustly defend the right to backpack responsibly on appropriate land by expressing support for Dartmoor National Park's appeal
- Write to the government to urge them to adopt Labour's pledge to enshrine the right to roam in law

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/4) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that the County Council:

(a) shares the concern expressed by this Notice of Motion (and the one submitted by Councillor Wrigley) about the legal implications of this High Court ruling for the right to backpack camp on relevant parts of Dartmoor, particularly in the light of long-standing tradition of such activity and the resulting benefits for physical and mental wellbeing of connecting with nature in this way;

(b) endorses the actions taken by Dartmoor National Park Authority in its efforts to uphold the ability for the public to enjoy responsibly this activity on an ongoing basis, including its promotion of a 'Backpack Camping Code'; and it is recognised that motorised vehicles, campervans and sleeping in cars is not included in the backpack camping code and will be subject to regulation and enforcement to avoid harm to Dartmoor's moorland environment; and

(c) calls on the Secretary of State for the Environment to support appropriately these endeavours across relevant parts of the Dartmoor Commons.

## 22. Debate not Hate

Councillor Hannaford to move:

'The intimidation and abuse of councillors, in person or otherwise, undermines democracy; preventing elected members from representing the communities they serve, deterring individuals from standing for election, and undermining public life in democratic processes.

Devon County Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy, and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

Devon County Council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does. Devon County Council further agrees to sign up to the [LGA's Debate Not Hate campaign](#). The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

In addition, this council resolves to:

- Write to the local Members of Parliament to ask them to support the campaign.
- Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians at every level.
- Ensure that Devon County Council has a clear reporting mechanism which councillors can use to monitor and record incidents of harassment and abuse of councillors and officers.
- Regularly review the support available to Councillors in relation to abuse and intimidation and councilor safety.
- Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councilors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councilors face, as they do with other high-risk individuals, like MP's.
- Take a zero-tolerance approach to abuse of councilors and officers'.



**23. Devon County Council to Treat Care Experience as if it were a Protected Characteristic**

Councillor Hannaford to move:

**Devon County Council recognises:**

- Every elected member and employee of this Council is a corporate parent to the children and care leavers in our care.
- We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.
- That Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.

**Devon County Council notes:**

- A UCL study which showed 70% of care experienced people die early. Over 50% of people who are in custody up to the age of 21 have been in care (Become Charity) and a quarter of the homeless population is care experienced (The Independent Review of Children's Social Care).
- The Government commissioned an independent national review of children's social care, chaired by Josh Macalister, and one recommendation was to look at making care experience an additional protected characteristic; another was that all public bodies become corporate parents.

**Devon County Council believes:**

- Our children in care and those who have left care have the right to expect everything from a corporate parent that would be expected from a good and responsible parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence including through employment opportunities.
- This authority has already taken important steps to support our care experienced children and care leavers better, but we can always do more.
- That we cannot wait until the government decides which recommendations to implement and therefore, here in the Devon County Council area of responsibility, we should act to be the best corporate parents we can be.
- That when making any decisions in relation to our policies or formulating our Corporate Plan that we should recognise care experienced people as a vulnerable group who face discrimination.
- That whilst we cannot change national legislation, we can use our powers to ensure that the Council consider care experienced people as part of its decision making to seek to prevent discrimination and improve life chances, in doing this. This will mean that we treat people with care experience the same as those with a protected characteristic.



**Devon County Council therefore resolves:**

1. That the Chief Executive and Monitoring Officer ensure that all council making decision documentation has in it appropriate sections to allow for the impact upon 'care experienced people' to be considered in decision making, where relevant.
2. Officers consider how information might be captured and reported upon on these matters in a similar way to that of the Public Sector Equality Duty Annual report.
3. Any publication of information relating to people who share a Protected Characteristic also includes 'care experienced people'
4. To proactively seek out and listen to the voices of care experienced people of all ages when developing new Council policies and plans and, where possible, those where the Council produces them in partnership with others.
5. To request that the Chief Executive, as Head of Paid Service, explore with the Director of HR how the Council could seek to guarantee all care experienced persons an interview where they meet the essential criteria of the post applied for.
6. That the Cabinet Member for Children's Services and Schools writes to all public bodies represented in the Devon County Council area of responsibility ,the Chamber of Commerce and the Federation of Small Businesses to make them aware of this motion and, where possible and within available resources, offer training on corporate parenting and issues facing care experienced people and to work with our partners and our care experienced population to understand what corporate parenting means for them.
7. That the Leader of the Council, writes to Devon's MPs making them aware of this motion and asking them to press government to amend the law to include Care Experienced persons as a Protected Characteristic and for the extension of Corporate Parenting to all public bodies, following the recommendations of the Macalister Report.
8. That the Chief Executive, Monitoring Officer, and Section 151 Officer attend a Corporate Parenting forum meeting to report on the actions taken because of this motion on notice.

**24. Teachers Pay - Investing in our Childrens Futures**

Councillor Hannaford to move:

**Council notes that:**

Members of the National Education Union (NEU) have voted in overwhelming numbers to take strike action for a fully funded, above-inflation pay rise.

Teachers across England have been offered a 5 per cent pay rise, which represents a 7 per cent real terms cut to their pay when compared to the very high rates of inflation.

One in four teachers leave the profession within two years of qualification: a third within five. Nearly one third of the teachers who qualified in the last decade are no longer teaching.

Children are losing out because there are not enough teachers. One in eight maths lessons is taught by a teacher not qualified in the subject.

The Government missed its target for recruitment of new secondary school teachers by 41 per cent this year and by 11 per cent for primary school teachers.

There has been a fall of 23 per cent in trainee teacher recruitment in 2022 compared with the year before.

Teachers are leaving the profession because of a mix of excessive workload and poor pay. A teacher who started working in 2010 and made normal progress up the pay scale has lost over £64,000 in real terms.

Teachers in England top the OECD league table for working time outside lessons. In addition to their teaching timetable, primary teachers spend nearly 32 hours and secondary teachers nearly 33 hours working in addition to their teaching every week. This means working weeks of 55-60 hours are commonplace in staff rooms all over the nation.

Secondary class sizes are at their highest for 40 years. Primary class sizes are now at their highest for 22 years.

According to a survey sent out by the Department for Education (DfE) to all schools and trusts in England in May 2022 regarding gas and electricity contracts, the average quote given on renewal for gas has increased from £0.03 per kWh to £0.09 kWh for gas; and from £0.16 per kWh to £0.32 per kWh for electricity. These substantial cost increases are placing significant pressure on school budgets.

**This Council also notes that:**

Our teachers do not want to go on strike – they want to be in properly resourced classrooms with enough support staff, teaching and supporting our amazing children and young people in the way they deserve.

Teachers in Devon are doing their best for our children.

However, the proportion of reception age children achieving a good level of development, the proportion of Y1 children achieving expected level in phonics; and KS2 children achieving expected standard in reading, writing and maths are all ongoing concerns.

In recent years there have been substantial ongoing increases in the numbers of children in Devon requiring additional support in school due to Special Educational Needs and Disabilities (SEND), or significant anxiety and mental health difficulties which act as a barrier to accessing their education.

Staff and budgets can only stretch so far. Looking at the entire picture, is not difficult to see that faced with escalating running costs and unfunded pay rises heads will have no choice but to make cuts in areas which directly impact children such as additional support for those with SEND and other needs.

These growing cost pressures are borne out by projections for Devon County Council which show that without making compensatory cuts primary schools maintained by the local authority will struggle to balance their budgets in 2023/24, if no further funding is forthcoming.

It is short-sighted for the Government to expect schools to make savings which impact on children when it simply creates system pressures elsewhere such as increased demand for EHCPs and places at specialist schools and alternative provision.

**This Council resolves:**

To support the campaign for the Westminster Government to provide a fully funded, above-inflation pay rises for all teachers and support staff.

To write to the Prime Minister and Chancellor to call for a fully funded, above-inflation pay rise.

To resist the Government's ongoing cuts to school budgets and call for more funding to be invested in education.

**25. Governance Review and Council Consultations**

Councillor Atkinson to move:

It is noted that the Council intends to review its consultations procedures as part of its governance review. This council notes that in response to the threat of a judicial review challenge by Mencap the consultation on the closure of the respite care facilities for disabled adults has been withdrawn. Other recent consultations also appear to be similarly flawed as not being genuine consultations as they were issued after a decision to make the cuts had already been made. These had not been made clear at the budget preparation and scrutiny and the budget cut had therefore not been scrutinised by the Adult Social Care Scrutiny Committee.

These are

- The wellbeing Exeter Cessation of contribution
- Homelessness18 + prevention: cessation of contribution
- A cut in the day care service at the Nicholls Centre Exeter from a 5 day a week service to a 3 day a week service (plus closures of similar day care centres elsewhere in the county)
- Closure of the respite facility at either Pine Parks in Honiton or the Nicholls Centre in Exeter
- The reduction in the grant to Devon Carers.
- Closure of North Devon Link Mental Health and Wellbeing Service in Barnstaple Bideford and Ilfracombe

This Council therefore agrees to withdraw these consultations and to take no further steps to proceed with the planned cuts until after the governance review of its consultation procedures has taken place.

**26. Devon 20's Plenty**

Councillor Hodgson to move:

In light of the support for the 'Devon 20's Plenty' campaign, this Council will support the implementation of 20 mph zones where the local Parish Council has passed the 20's Plenty motion.

## **MEETINGS INFORMATION AND NOTES FOR VISITORS**

### **Getting to County Hall and Notes for Visitors**

For SatNav purposes, the postcode for County Hall is EX2 4QD

[Further information about how to get to County Hall](#) gives information on visitor parking at County Hall and bus routes.

Exeter has an excellent network of dedicated cycle routes. For further information see the [Travel Devon Webpages](#).

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street), St David's and St Thomas's. All have regular bus services to the High Street.

Visitors to County Hall are asked to report to Main Reception on arrival. If visitors have any specific requirements, please contact reception on 01392 382504 beforehand.

### **Membership of a Committee**

For the full details of the Membership of a Committee, please [visit the Committee Page](#) on the website and click on the name of the Committee you wish to see.

### **Committee Terms of Reference**

For the terms of reference for any Committee, please [visit the Committee Page](#) on the website and click on the name of the Committee. Under purpose of Committee, the terms of reference will be listed. Terms of reference for all Committees are also detailed within Section 3b of [the Council's Constitution](#).

### **Access to Information**

Any person wishing to inspect any minutes, reports or background papers relating to an item on the agenda should contact the Clerk of the Meeting. To find this, [visit the Committee Page](#) on the website and find the Committee. Under contact information (at the bottom of the page) the Clerks name and contact details will be present. All [agenda's, reports and minutes of any Committee are published on the Website](#)

### **Public Participation**

The Council operates a Public Participation Scheme where Members of the public can interact with various Committee meetings in a number of ways. For full details of whether or how you can participate in a meeting, please [look at the Public Participation Scheme](#) or contact the Clerk for the meeting.

In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours notice.

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

The proceedings of any meeting may be recorded and / or broadcasted live, apart from any confidential items which may need to be considered in the absence of the press and public. For more information [go to our webcasting pages](#)

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Filming must be done as unobtrusively as possible without additional lighting; focusing only on those actively participating in the meeting and having regard to the wishes of others present who may not wish to be filmed. Anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance.

Members of the public may also use social media to report on proceedings.

### **Declarations of Interest for Members of the Council**

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.

### **WiFi**

An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall.

### **Fire**

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair.

### **First Aid**

Contact Main Reception (Extension 2504) for a trained first aider.

### **Mobile Phones**

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

### **Alternative Formats**

If anyone needs a copy of an Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Customer Service Centre on 0345 155 1015 or email: [committee@devon.gov.uk](mailto:committee@devon.gov.uk) or write to the Democratic and Scrutiny Secretariat in G31, County Hall, Exeter, EX2 4QD.

### **Induction Loop available**





Procedures Committee 25 April 2023

## Governance Review

Report of the Director of Legal and Democratic Services and the Director of Finance and Public Value

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

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### **1) Recommendation**

- 1.1 that the Procedures Committee:
- 1.2 Establish a cross-party working group comprising five Members of this Committee to progress a root and branch governance review and confirm the appointment of Members to the working group.
- 1.3 That the Director of Legal and Democratic Services, in consultation with the Chair of Procedures Committee be authorised to appoint additional members to the working group, in line with the review themes.
- 1.4 That the proposed approach, programme and timeline for the Governance Review, as set out in Appendix 1, be approved.
- 1.5 That the Director of Legal and Democratic Service, in consultation with the Chair of Procedures Committee be authorised to implement any changes to the Governance review programme which are required.

# Agenda Item 14.

## 2) Background / Introduction

The Council is fortunate to have very positive and constructive professional relationships between officers and elected members.

The Council has faced significant challenges both externally and internally since the pandemic. The Economic situation linked to the war in Ukraine and the Cost-of-Living Crisis have impacted upon all stakeholders in Devon and the staff survey highlighted that many staff are also being impacted e.g., food poverty issues. The services the Council provide, and the context of delivery have significantly changed; equally so our staff are impacted by these contexts too. In summary the Council finds itself in a very different operating context and the need for a review of priorities is required.

In additionality the Council finds itself in a very challenging internal position in that Children's Services, SEND provision and budget sustainability face serious challenge along with concern from stakeholders regarding confidence in the Council to address these challenges. The continuous failure of the Council to improve the Inadequate judgement by Ofsted of Children's Services over a 12-year period has resulted in the children's minister issuing a Revised Statutory Direction for social care specifically citing failures of corporate governance and escalating to the appointment of a Commissioner to oversee Improvement and hold the Council to account. There is also government intervention for SEND and a material threat of a s114 notice because of the High Needs Block deficit now approaching £130 M.

Linked to these formal situations and serious concerns external assessment bodies such as Ofsted have reported in their monitoring issues relating to corporate governance and declared that there as been little or no improvement in services for 3 years since the last inspection. These are serious, material, well evidenced failures of the County Council's governance-

In response the Leader and Chief Executive in meetings with the children's minister have agreed the urgent need for a Review of Corporate Governance as a priority in conjunction with the formal work of the Improvement Boards in Children's Services where oversight of progress is led by the Commissioner appointed by the Minister and the SEND Improvement Board.



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The Chief Executive appointed in November 2022 took up post in February 2023 but owing to the seriousness of the above context has been working with stakeholders, staff and official Ministerial representatives such as the Commissioner and the DFE since December 2022 to agree key approaches to drive forward the improvement of the Council. Positive engagement has resulted in the agreement of the following strategic approaches that must make significant progress as a matter of urgency:

- Governance Review,
- The People Strategy and
- Leadership and Direction through a revised Corporate Plan for the year ahead.

Separate reports will be considered by the Cabinet for each of the three strands. The Council will step off as one council with a consistent approach to corporate governance.

The purpose of this report is to agree the approach to reviewing the Council's corporate governance and a root and branch review of its governance arrangements.

Appendix 1 sets out the proposed review programme and timetable.

The aim of the Governance Review is to

- Implement effective scrutiny arrangements and functions in place for council decisions,
- Members and officers demonstrate that they understand and respect their roles in council business
- Develop an organisational culture, at all levels, where staff are enabled and empowered to constructively challenge and improve ways of working.
- Developing and deepening relationships with external partners across the County and sector.
- Achieving best value and a financially resilient council making investment decisions in the context of a longer-term financial plan.
- Ensure the Council have an absolute focus on its residents and customers and is responsive to their needs and demands
- The decisions made by the council are done so via well understood and transparent channels and supported by evidence.

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- Maintain political stability
- Ensure the council is focused on continuously improving in all areas and has robust processes in place to collect and analyse data on its delivery, and to manage its performance effectively.

The working group will agree the project plan, milestones and performance measures for the review for the work streams in appendix 1.

## 3) Proposal

- 3.1 External regulatory bodies such as the Department for Education have been clear and in support of formal communication from the Minister stated that the Council's Corporate Governance needs to be strengthened and improved. The Council's last external reviews in relation to corporate governance were undertaken in 2016 and 2017 by the Local Government Association further assessment were not possible due to the impact of the Covid 19 pandemic. The Care Quality Commission have however continued to inspect the Health and Social Care provisions of the Council throughout this period with a further inspection imminent.
- 3.2 The proposed review seeks to rigorously examine and modify recent expenditure and to significantly improve governance to mitigate the current situation now facing the Council. This situation is material to the Best Value Duty and the requirement set out in the Local Government Act 1999 to "secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."
- 3.3 Since early 2020, the Council has continued to review and revise its governance and decision-making arrangements in order to meet the challenges and demands arising from the covid-19 pandemic. This review seeks to now review, reset and improve the current arrangements and ensure that they are fit for purpose. Some work streams have already commenced.
- 3.4 An annual external value for money review is currently being undertaken by the Council's external auditors Grant Thornton, and the findings may

result in further reviews of this plan to ensure that any recommendations are considered.

3.5 The Council have had a period of change in senior management and coupled with recovery from the pandemic and the criticism of corporate governance, this is an opportune time to consider the Council's future governance arrangements making the necessary improvements as expected by the Minister, the DFE, the Commissioner and the SEND Improvement Board. The review will focus on our corporate priorities and performance of the council going forward. With particular focus on

- Governance, for example, a sense of strategic vision and direction, adequate structure and internal processes; key senior posts filled with permanent appointments achieving stability, core purpose and focus on improvement with measurable targets and timelines.
- Culture and leadership, for example, positive and open relationships between councillors and officers, and openness to challenge with clearly understood roles and responsibilities with a clear link to accountability and a drive on performance and improvement.
- Financial governance, for example embedding good financial management into informed decision making, scrutiny of financial decisions and governance arrangements including for commercial investments resulting in a sustainable plan for the financial future and sustainability of the Council along with strong ethics of compliance and best value delivery across the whole Council supported by a People Strategy that has Learning and Development at its core with a clear investment strategy so that staff have the training and skills required to deliver a 'best value' Council;
- Services, for example, poor governance weaknesses can impact upon the effectiveness and/or efficiency of service delivery; there needs to be a clear and accountable process that links front line delivery to strategic planning, review and accountability frameworks both within officer structures and political frameworks that hold officer delivery to account.
- Capacity and/or capability to improve, for example, acknowledging problems and engaging with sector support from partners with an ambitious ethos focussed on governance structures that hold to account an improvement culture that looks inwards , outwards and forwards embracing SMART targets and accountability at every level

# Agenda Item 14.

that is 'pulled up and through' governance structures at every level which is transparent and publicly accountable.

The timescales of the reviews will allow for consultation, engagement and then training of both officers and elected members to provide consistency across the whole council in a one council approach and embed and ensure successful delivery of any improvements and importantly celebration of success in order to build confidence, well-being and belonging specifically recognising the links between the Governance Review and the People Strategy.

- 3.6 Strong, trusted governance is essential if the County Council is to continue to be a credible and authoritative democratically accountable champion for the people and communities of Devon. Members of Parliament, local authority partners, key stakeholders both in the public and private sector, and the wider public must have confidence that the decisions, services and financial management of the County Council are firmly grounded in robust governance procedures that exemplify the very best practice.
- 3.7 The Council has combined resultant activity into a single Governance improvement action plan attached at appendix 1 and outlines each and every review action linked to the governance review in one table for completeness. The action plan will be updated regularly. Each individual review has details of the engagement required, the consultation process and where any changes will require approval. Some of the review areas will be the responsibility of other related committees and they will be reported to procedures with an update of progress in order to provide the full improvement journey of the Council's governance arrangements.
- 3.8 The Governance review will consider the best practice guidance of the LGA and Cipfa and provide assurance that the Council is delivering value for money, backed by strong corporate governance and oversight. The governance review will be the vehicle on which the ongoing responsibility for best value will be measured. The review itself is multi-faceted, with the overarching ambition to deliver an effective and efficient governance infrastructure which is embedded across the whole organisation. To support the successful realisation of this ambition, the review will also incorporate a development and engagement programme for officers and

# Agenda Item 14.

elected members and a strategy to build upon the already excellent relationships fostered between the council and its stakeholders.

- 3.9 The review will ensure external confidence in the Council's democratic legitimacy and provide for greater oversight and accountability and specifically progress the formal processes in place eg the role of the Commissioner linked to the improvement of Children's Services and the Improvement Board linked to SEND provision.
- 3.10 Whilst governance arrangements will continue to evolve to meet emerging need and new legislative provisions, there are a number of fundamental issues to be addressed corporately alongside an opportunity to review and implement change over a 12 month period, with longer term aims (including a review of the effectiveness of any changes and supporting the governance arrangements of other corporate initiatives) scheduled over a 2-year timeframe. The review programme has been divided into phases with an indicative timescale for each strand. The initial 2 phases are set out below.
- 3.11 Phase 1 will focus on the critical areas of the governance arrangements for the next 1-6 months which have been identified by the Chief Executive, the Monitoring Officer, Senior Leadership Team, political leadership and external partners as high risk for governance compliance. Some areas of the review have already commenced.
- 3.12 Phase 2 of the review focusses on high priority matters for the next 6-12 months.
- 3.13 It is proposed that a cross-party member working group is established to lead on review activity with officer support drawn from colleagues across Democratic Services, Finance and Public Value, Legal and Democratic Services, HR, performance and internal Audit with input from other services as needed. The review will also focus on the Council's relationships and engagement with MPs, key stakeholders and the wider public.
- 3.14 A programme of wider elected member engagement in relation to review themes will support the development of recommendations to be considered by the Committee and this will be addressed at the Council Member day on the 11<sup>th</sup> May 2023 whereby the Leader of the Council has invited all

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Members of the Council to a full engagement day which considers the 're-set' of Council priorities and Governance in light of the context set out within the introductory part of this report

## 4) Options / Alternatives

- 4.1 Good Corporate governance is the foundation of a well performing Council with good services and underpins the Council's ability to balance the budget, provide good services to the residents of the County, to provide a strong strategic vision and direction, to have key posts filled with permanent staff and provide a healthy culture and strong leadership. There is no alternative proposal as failure to implement and uphold strong corporate governance places the council at a significant risk.

## 5) Consultations / Representations / Technical Data

- 5.1 Elected members will be consulted and provide views to shape the Governance review programme and themes.
- 5.2 Key stakeholders, partners, staff and statutory partners such as the Commissioner for Children's Services will be consulted. The review will clarify the roles and responsibilities of Officer and Members, clearly specify delegated decision-making thresholds and responsibilities and provide accountability and authority for financial decisions by an increased understanding and awareness.

## 6) Strategic Plan

<b>Resources:</b>	Appropriate officer support from a variety of governance disciplines will support the review activity.
<b>Legal Democratic and Governance:</b>	The Council's governance arrangements should reflect the current legislative framework and offer efficient, effective and appropriately placed decision making.

<b>Risk:</b>	Risks to the Council arise where governance arrangements are not routinely reviewed and aligned with legislation and guidance.
<b>Equality:</b>	The Council's governance arrangements should offer equality of access to all.
<b>Health and Wellbeing:</b>	A key theme of review activity relates to the Council's Health and Wellbeing board arrangements.
<b>Social Value</b>	None associated with this report.

- 6.1 The proposal, aligns closely with the vision and priorities in the Council's Strategic Plan 2021 – 2025. A full governance review is required to ensure that processes and procedures are fit for purpose. The Governance review will be concurrent to establishing a complete performance framework which will track the improvement journey. The Governance review programme is ambitious, it supports a one council, consistent approach for all services at pace; there are many areas of good practice which will be celebrated. Each element of the review will allow for consultation, engagement and training to ensure successful delivery.
- 6.2 The governance review contributes to the voice of children and families in our communities to ensure that decisions are made based on the best available information, following established policies and procedures at the appropriate level of responsibility and ensuring that our communities are connected and resilient,

## 7) Financial Considerations

7.1 There are no financial implications in relation to the governance review. The review will however ensure that the Council has good financial management and follows its own rules and processes.

## 8) Legal Considerations

8.1 The Council's Best Value Duty and the requirement set out in the Local Government Act 1999 to "secure continuous improvement in the way in which its

# Agenda Item 14.

functions are exercised, having regard to a combination of economy, efficiency and effectiveness must be adhered to” Poor decision-making leads to potential challenge.

## **9) Environmental Impact Considerations (Including Climate Change)**

9.1 There are no identified environmental considerations within the proposals in this report.

## **10) Equality Considerations**

10.1 The proposals in the report will have a positive impact on people with protected characteristics across the workforce and the County. This will support the council meeting its Public Sector Equality Duty. Any actions undertaken will include an Equality Impact Assessment as necessary to ensure all relevant considerations are taken into account.

## **11) Risk Management Considerations**

11. 1 No new risks have been identified in the proposals in this report. Failure to follow good governance places the council at significant risk.

## **12) Summary / Conclusions / Reasons for Recommendations**

12.1 Devon County Council is committed to driving improvement in all its services, ensuring value for money and embedding good governance in all that we do.

### **Name**

Director Maria Price, Director of Legal and Democratic Services,  
Angie Sinclair, Director of Finance and Public Value

**Electoral Divisions:** All

**Chair of Procedures Committee:** Cllr Ian Hall



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**Cabinet Member** – Cabinet Member for Policy, Corporate and Asset Management (Councillor John Hart)

Local Government Act 1972: List of background papers

Local Government Act 1999

LGS guidance

Cifa guidance

Results/ findings of member engagement workshop

Democratic Governance Review Approach and Timeline Appendix 1

**Contact for enquiries:**

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[Angie.Sinclair@Devon.gov.uk](mailto:Angie.Sinclair@Devon.gov.uk)

Phase 1 March 2023 to August 2023				
Governance Topic	Action/themes	What will the review strand look to achieve	Lead Committee/Board	Indicative timetable for decision by Council/Leader
Member Engagement Strategy		To develop a targeted member engagement approach to gauge as broad a view on any proposed governance changes as possible	Workshop with elected Members 11 May 2023	N/A
Review of elected Members delegated authority arrangements	Consult and engage with Cabinet members, officers and partners	To review and benchmark against other Local Authorities and engage with external partners and Commissioners and establish clear roles and responsibilities for elected members, ensure that the Cabinet and individual members are aware of their powers and the information required to make informed decisions	Changes to constitution to be agreed by the MO	Completion May 2023

Standardised report templates and sign off sheets	Consult and engage with SLT members, staff and Executive	Standardised decision-making documents, clear expectation and audit trail of decisions, ensure that decisions are made at the appropriate time and level of responsibility, processes properly followed, appropriate briefings and decisions based on the best available evidence. Consistent approach across the council and clear lines of accountability.	MO in consultation with SLT member and Cabinet	April- May 2023
Review of all external boards and Committees which DCC a member of	Consult and engage with SLT members, staff, Executive and Partners	Provided clarity as to the decision-making capabilities, governance and roles and responsibilities of members of committee and boards	SLT members, staff, Executive and Partners (i.e., LEP, NHS, DfE, Police, combined authority, other LA's, schools, etc)	May-September 2023

<p>Decision Making</p>	<p>Review key decision financial threshold</p>	<p>The review will benchmark against other County and neighbouring Councils to understand current financial thresholds and how they support strategic ambitions. Any decision to revise thresholds will be a matter for Council and will impact on other review activity including Contract Procedure Rules, Financial Regulations, the Scheme of Delegation and</p>	<p>Procedures Committee 25 April 2023 for first consultation then consideration by working group, officers and Members</p>	<p>Council December 2023</p>
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	<p>Consider individual cabinet member decision making and associated thresholds</p>	<p>individual Cabinet Member decisions.</p> <p>This element of the review will aim to evaluate the decision-making powers delegated by the Leader to individual cabinet members; understanding the associated impact on collective cabinet decisions and determining the process, including checks and balances to ensure robust governance arrangements are in place, including the role of scrutiny</p>		
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<p>Review number and type of committees</p>	<p>A holistic review of the committees and boards and remits</p>	<p>The key aims of this element of the review is to consider the number of committee and boards, review the terms of reference, re set decision making committees, benchmark against other local authorities and rationalise remit and number of committees and boards</p>	<p>Procedures Committee working group May 2023</p>	<p>Council December 2023</p>
<p>Constitution Review: Contract Procedure Rules (CPR)</p>	<p>A holistic review of contract procedure rule</p>	<p>This strand of the review will be influenced by any decision on the key decision threshold.</p> <p>The key aims of the review are to ensure that the council's contract procedure rules are robust, compliant with relevant legislation (following the UK departure</p>	<p>Procedures Committee</p>	<p>December 2023 Council</p>

		<p>from the EU), offer sufficient checks and balances to provide assurances to members in relation to procurement decision making processes without being prohibitively bureaucratic.</p> <p>Review activity will be supported by officer focus groups on the procurement processes that underpin CPRs with a view to ensuring that processes are effectively supportive</p>		
Constitution Review Financial Regulations	A holistic review of financial regulations and asset management provisions	<p>This strand of the review will be influenced by any decision on the key decision threshold.</p> <p>The key aims of the review are to ensure that the council's financial regulations are robust, compliant with relevant legislation and guidance (Including CIPFA</p>	Procedures Committee, Finance and public value, legal and democratic Services and SLT	Council December 2023

		<p>guidance), offer sufficient checks and balances to provide assurances to members in relation to the Council’s strategic and operational financial management</p> <p>Review activity will be supported by officer focus groups on the processes that underpin Financial Regulations with a view to ensuring that processes are effectively supportive</p>		
<p>Constitution Review: Council Procedure Rules</p>	<p>To review and refresh constitutional provisions relating to the operation of Council meetings</p>	<p>The Council Procedure Rules have not been reviewed for a number of years. This strand of the governance review will analyse the effectiveness of current practices and look to develop, where appropriate, revised procedures and practices that provide clarity</p>	<p>Procedures Committee</p>	<p>Council December 2023</p>



		<p>and broader engagement.</p> <p>Exploring initially:</p> <ul style="list-style-type: none"> <li>• Lead Member reporting mechanisms</li> <li>• Committee minutes received for information</li> <li>• Rules of Debate</li> <li>• Re-ordering of sections of the CPRs for clarity</li> </ul>		
<p>Constitution Review: Scheme of Delegation</p>	<p>A comprehensive review of the Scheme of Delegation to Officers</p>	<p>This strand will benchmark against good practice schemes and other local councils with similar strategic ambitions. This will look also at different model schemes, with a view to ensuring that Devon’s scheme of delegation is accessible and easier for officers to utilise</p> <p>Alongside this there will be an analysis of current legislative</p>	<p>To be agreed by Monitoring Officer in consultation with SLT</p>	<p>September 2023</p>

		provisions, ensuring that any superseded, new or repealed legislation is accounted for, again, supported by officer focus groups.		
Scrutiny Review	Comprehensive review of the scrutiny function	Develop best practice recommendations considering issues such as a scrutiny toolkit, alternative mechanisms for delivering work programmes and demonstrating effectiveness and improvements across the function and the role and remit of scrutiny chairs.	Scrutiny Board Chairs' recommendations on structure to be considered by Procedures Committee  Any revisions to terms of reference and structures can be developed throughout the remainder of the calendar year  Reviewed by Procedures Committee	Council November 2023

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		<p>The remaining aspects for this strand are to consider the future structure of the scrutiny function, including the proposal of inclusion of a dedicated board to examine the performance of commissioned and externally contract service providers</p>		
<p>Review of Elected Member learning and development</p>	<p>Development of Member offer for 2023</p>	<p>This strand of the review aims to develop a Member Development Programme and facilitate separate programmes that are tailored to meet the needs of:</p> <ul style="list-style-type: none"> <li>• Newly elected members</li> <li>• a core programme for all members (including essential elements);</li> </ul>	<p>Member Development Steering Group in consultation with elected members</p>	<p>15 June 2023 with a rolling programme to ensure that elected members are fully engaged and aware of any constitutional changes and all emerging needs are captured</p>

		<ul style="list-style-type: none"> <li>• bespoke programmes for members with specific responsibilities (cabinet, scrutiny, committee chairs, chairperson)</li> <li>• Members aspiring to take on new roles in the future</li> </ul> <p>Feed Member Development needs (identified in PDPs) into the mid-year review of the member development programme</p>		
<p>Officer development &amp; governance engagement</p>	<p>To design and deliver officer learning and development on corporate governance</p>	<p>To support the need for shared corporate ownership of governance, this strand of the review will explore, with colleagues across the</p>	<p>Officer working group</p>	<p>ongoing</p>

		<p>organisation, to identify any gaps in understanding and build an effective programme of tailored learning and development for officers.</p> <p>There will be specific focus on-</p> <ul style="list-style-type: none"><li>• Briefing elected members</li><li>• Report writing</li><li>• Options appraisals</li><li>• Awareness of constitution and legislative requirements</li><li>• Standardised reports, templates and oversight of recommendations will be considered, processes reviewed and approval of reports prior to adding to forward plan and published.</li></ul> <p>*This will be dependent upon the timetable for constitutional changes</p>		
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Relationships with partners and key stakeholders	Review the relationships between the council and its key stakeholders, members of parliament and government	This strand of the review will consider and build on the strong relationships which have already been fostered and explore the opportunities for growth ensuring that all decisions are made within legislative provisions.	tbc	tbc
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Phase 2 September 2023- April 2024

<b>Governance Topic</b>	<b>Action/themes</b>	<b>What will the review strand look to achieve</b>	<b>Lead Committee/Board</b>	<b>Timeline for decision by Council/Leader</b>
Constitution Review: General Provisions	Alignment of the remainder of the constitution	Following any earlier changes to constitutional provisions, this strand of the review will look to align the remainder of the constitution to those changes. This is primarily administrative in nature; however, some analysis will be required, and a decision taken on the current		April 2024

		discretionary elements of the constitution		
Modern.gov development	Roll-out full functionality of modern.gov supported by Officer Development Programme	This element of the review aims to develop the committee management system following any constitutional changes and enable officers and elected	Democratic Services	



		<p>members to utilise full system functionality.</p> <p>Elements of the wider corporate governance officer development programme will address any training needs</p>		
Modernisation of the Chamber	Review the technology and fitness of the council chamber	Review and refresh of technology	Director of Legal and Democratic Services and Director of Transformation in consultation with SLT, executive, elected members, staff, and partners	December 2023 - April 2023
Democratic engagement	Public engagement platforms	This strand of the review will explore opportunities for wider democratic engagement including digital democratic presence and enhancing public engagement and participation in democratic processes	Governance & Constitution Review Committee (this will be an element of the phase that continues into year 2)	

Corporate Governance	Review of Annual Governance Statement and Code of Corporate Governance mechanisms	This strand of the review will explore the effectiveness of the current mechanisms for the development of the Annual Governance Review	Governance Review Officer Group	April 2024
Committee structure	Review the effectiveness of existing arrangements	This strand of the review will examine the current decision-making structure and explore any appetite for change, considering the appropriate placement of decisions in line with legislative provisions		tbc

<p>Member's Code of conduct and Arrangements</p>	<p>Consult and engage all members to review code of conduct and arrangements</p>	<p>To review and benchmark against other Local Authorities and the LGA model code to ensure that the Code of conduct and arrangements and robust and provide assurance in the Nolan principles and upholding the highest standards of behaviour.</p>	<p>Standards Committee working group engagement sessions and recommendations</p> <p>December 2023</p>	<p>March 2024</p>
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# Agenda Item 14.

## APPEALS COMMITTEE

27 February 2023

Present:-

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

\* 60

### **Minutes**

**RESOLVED** that the minutes of the meeting held on 9 January 2023 be signed as a correct record.

\* 61

### **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.

\* 62

### **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.

\* 63

### **Deferred Appeals**

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

It was noted that no appeals had been determined under urgency procedures arising from the last meeting.

# Agenda Item 16.(a)

2

APPEALS COMMITTEE

27/02/23

## \* 64 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:-

ST223)	Offwell - Axe Valley Academy	Appellant and Local
ST223)		County Councillor
ST225	Exeter - Breakthrough	Appellant and Local
		County Councillor

### **RESOLVED:-**

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

ST223)	Offwell - Axe Valley Academy
ST223)	

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

ST225	Exeter – Breakthrough.
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### **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 9.45 am and finished at 12.45 pm

## APPEALS COMMITTEE

24 April 2023

### Present:-

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

\* 65

### Minutes

**RESOLVED** that the minutes of the meeting held on 27 February 2023 be signed as a correct record.

\* 66

### 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.

\* 67

### 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.

\* 68

### 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 as there were no Members' route walks arising from the last meeting.

\* 69

### School Transport Appeals

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

# Agenda Item 16.(b)

2

APPEALS COMMITTEE

24/04/23

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:-

ST227)	Burlescombe area to Uffculme School	Appellant and
ST228)		Local County Councillor

## **RESOLVED:-**

that the following appeal be deferred for members' route inspection:-

ST227)	Burlescombe area to Uffculme School.
ST228)	

## **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 9.45 am and finished at 11.15 am



## AUDIT COMMITTEE

28 February 2023

Present:

Councillors R Scott (Chair), M Hartnell, J Berry, F Biederman, R Peart and I Roome

Dr I Hipkin

Apologies:

Councillor D Barnes

\* **61**      **Minutes**

**RESOLVED** that the Minutes of the meeting held on 29 November 2022 be signed as a correct record

\* **62**      **Announcements**

The Chair welcomed Dr I Hipkin who was attending the meeting in his capacity as Co-opted member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* **63**      **Items Requiring Urgent Attention**

There were no items requiring urgent attention.

\* **64**      **Audit Findings for Devon County Council**

The Committee received the Report of Grant Thornton on the Audit Findings for Devon County Council, which set out the findings arising from Grant Thornton's audit of the Council's financial statements.

The Report was provided to Members as an update on progress following that reported at the last Committee meeting. An audit opinion had been delayed due to awaiting new legislation, which had now come into force on 25 December 2022, updating CIPFA's Code of Practice concerning accounting for infrastructure assets.

Members were advised that based on current indicators the external auditors anticipated offering an unqualified audit opinion on the Council's statements.

Members noted the Report.

# Agenda Item 16.(c)

2

AUDIT COMMITTEE

28/02/23

## \* 65 Statement of Accounts

The Committee reviewed and considered the Report of the Director of Finance and Public Value (DF/23/26), together with the amended pages and letters of representation to the Statements of Accounts for 2020/21 and 2021/22.

The Statements of Accounts for 2020/21 and 2021/22 were previously approved by the Committee on 24 February 2022 and 29 November 2022, respectively.

Following the updating of CIPFA's Code of Practice on Local Authority Accounting relating to the accounting for infrastructure, Grant Thornton had now issued audit opinions on both the Statements of Accounts for 2020/21 and 2021/22.

Members questioned whether there was any risk to the Council in granting 125-year leases to Academies, where the Council owned the freehold, and Officers undertook to make enquiries and respond to Members on this point.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Peart and

**RESOLVED** that:

- (a) the Authority's Statement of Accounts for 2020/21 be approved;
- (b) the Pension Fund Statement of Accounts for 2020/21 be approved;
- (c) the Authority's Statement of Accounts for 2021/22 be approved;
- (d) the Pension Fund Statement of Accounts for 2021/22; be approved; and
- (e) the letters of representation for Devon County Council and its Pension Fund for both 2020/21 and 2021/22 be approved.

## \* 66 Internal Audit Update

The Committee considered the Report of the Director of Finance and Public Value (DF/23/22) on the Internal Audit Update Report for 2022/23, which provided an update on the opinion of the Council's Internal Audit Service (Devon Audit Partnership) and described the progress against the internal audit plans for 2022/23 that were approved by this Committee in February 2022.

Overall, based on work performed during 2022/23 to date and experience from the previous year's audit, the Head of Internal Audit's Opinion was of

Reasonable Assurance on the adequacy and effectiveness of the internal control framework within the County Council.

As requested by Members at the last meeting, an Officer from ICT Change Management and Project Management was in attendance to report on their delayed responses to Audit. It was reported this was as a result of restructuring that had taken place within the team, which had involved a change in roles and responsibilities, together with a focus on delivery and pressure from limited resource. The Team were continually working on service improvements. The two draft reports had now been responded to and work was ongoing to achieve reasonable assurance.

Members' questions and discussions points included:

- As to the Limited Assurance for Debtors/Debt Recovery within Key Financial Systems, Officers reported that the current debt recovery system was not functioning as it should and a new system was to be put in place shortly to alleviate the problem. A lack of resource within ICT had caused difficulties, but the need to prioritise audit reporting was now acknowledged.
- As to the Limited Assurance for DCC Data Protection 22-23, Members questioned the level of risk to the Authority by not having a Deputy Data Protection Officer in place and requested an Officer response on this.

\* **67**      **Internal Audit and Plan 2023/24**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/23) on the Internal Audit Draft Plan for 2023/24.

The plan outlined the programme of internal audit work for the financial year 2023/24, the key objectives of Internal Audit, the manner of delivery of the Internal Audit Service and the future reporting of progress to this Committee.

Questions and discussion points from Members and Officers included:

- The reduced funding in highway safety related issues which had been recognised by the service area as high risk and included within the plan.
- Officers assured Members of the close monitoring of savings and associated risks and working closely with Devon Audit Partnership colleagues to ensure robust processes were in place.
- Members requested an audit of the planning team processes involved in responding to district councils on planning applications.
- Members wished to have a full understanding of the budget process and wanted this built into the plan for next year.

It was **MOVED** by Councillor Hartnell, **SECONDED** by Councillor Berry and

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AUDIT COMMITTEE

28/02/23

**RESOLVED** that the adaptive plan for 2023/24 be endorsed.

\* **68**      **Counter Fraud Update**

The Committee noted the Counter Fraud Update Report of the Director of Finance and Public Value (DF/23/25), which set out the Counter Fraud work being undertaken on behalf of and by the Council which supported the Council's ongoing commitment as outlined in its Anti-Fraud Bribery and Corruption Policy/Strategy and Response Plan.

In particular, the Report highlighted the National Fraud Initiative (NFI), which was an exercise run and reported on by the Cabinet Office, which had resulted in estimated savings of £1.4 million; and also the exercise in relation to Council Tax, Single Person Discounts, with those Councils that had agreed to participate.

There was discussion around Blue Badge and Council Tax fraud and the benefit of raising awareness through communication, and to this end, Members proposed that the Counter Fraud team and the Council's Communication team come together to agree a public communication. Members would also be interested in hearing directly the views of the Blue Badge enforcement team.

\* **69**      **Risk Management Update**

The Committee considered the Report of the Director of Finance and Public Value (DF23/24) on the Risk Management Update 2022/23, which set out the risk position of the Council, updates on changes to risk management arrangements during 2022/23 and confirmed the role of the Committee as per the Council's Risk Management Policy.

The Power Bi Dashboard had been updated to allow enhanced visibility of risks and the new version should be available together with some training from the Spring of this year.

Members' comments and discussion with Officers included:

- It was felt that the risk score for Failure to Prepare or Control Robust Budget was understated.
- The Committee would like to see further cross-service risks, particularly in the Highways, Adults and Children's Services.
- The importance of investing in early intervention to help reduce future risks, particularly in Children's Services.
- That impact analysis was constantly under review, working alongside the Organisational Change team.

**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 4.04 pm



**INVESTMENT AND PENSION FUND COMMITTEE**

3 March 2023

Present:-Devon County Council

Councillors J Morrish (Chair), P Bullivant (Vice-Chair), Y Atkinson, M Hartnell and H Gent (remote)

Other Employers, Unitary and District Councils

Councillors R Bloxham, J O'Dwyer and A Lugg

Union and Retired Members

R Franceschini and M Daniell

Attending in Accordance with Standing Order 25 (1)

Councillor J Hodgson and C Slade (both remote)

Apologies:-

Councillor G Gribble, Cllr J Pearce and L Parker-Delaz-Ajete

\* 97

**Minutes**

**RESOLVED** that the Minutes of the Meeting held on 25 November 2022 be signed as a correct record.

\* 98

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 99

**Devon Pension Board**

The Committee noted the Minutes of the Meeting of the Board held on 7 February 2023.

\* 100

**Brunel Oversight Board**

The Committee noted the Minutes of the Meetings of the Board held on 15 December 2022 and 26 January 2023.

Arising on Member questions the Head of Investments agreed to circulate to the Committee:

- in regard to Brunel Strategic objectives (Minute 6, 15 December 2022), the paper referred to explaining the terms '*responsible investment and sustainability*' in terms of Brunel's strategic objectives; and

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- in regard to Green Revenues (Minute 8, 15 December 2022) the slide presentation referred to on sustainable investment analysis.

## \* 101 Internal Audit Plan 2023/24

The Committee considered the Report of the Director of Finance and Public Value (DF/23/27) on the proposed Internal Audit Plan 2023/24 and the Service Level Agreement for the two audit plans for the Devon Pension Fund and Peninsula Pensions, which would be delivered by the Devon Audit Partnership. The proposed Audit Plans allowed for up to 40 days of internal audit support for the Pension Fund and 45 days for Peninsula Pensions, providing 85 days of internal audit provision overall. The detail was in Appendix 1 of the Report. The Plan had been considered by the Pension Board at its last meeting on the 7 February with no further comment.

At the next meeting the Partnership would report on the completion and outcomes of the current year's audit plans.

Member discussion points with the Head of the Partnership included:

- the cost quoted in the report should be amended to reflect the cost of 85 days (and not 45 days) and the use of specialist support (at additional costs) was not normally needed;
- the audits would be subject to further scoping meetings with senior service management which would include evaluation of compliance with requirements, as appropriate;
- the Climate Risk and Environmental Social Governance reporting audit would be subject to new regulations expected from Government effective from 2023/24; and
- the audit process and arrangements in regard to the Brunel Partnership was reported via the Brunel Oversight Board of which the Chair was a Member.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor P Bullivant and

**RESOLVED** that the proposed Internal Audit plan for 2023/24 be approved.

## \* 102 Investment Management Report

(Councillor J Hodgson attended in accordance with Standing Order 25 (1) and spoke to this item in regard to voting and engagement delegated to the Brunel Pension Partnership, the LAPFF and LGIM; and the number of votes against management recommendations).

The Committee considered the Report of the Director of Finance and Public Value (DF/23/28) on the Fund value and asset allocation, performance



against the benchmark, funding level (which was subject to completion of the triennial valuation), budget forecast 2022/23, cash management, and voting and engagement activity.

The Fund value at 31 December 2022 stood at £5,126.5 million, an increase of around £100 million over the quarter but a decrease of £285m since 31st March 2022.

Members' discussion points with Officers included:

- the number of votes against management recommendation exercised by Brunel Pension Partnership and their views in terms of positive shareholder value and links to company objectives and the positive progress being made in regard to the issues raised;
- other issues on which LAPFF reported in relation to environment human rights and their positive influences; and the Funds' reduced exposure following transition to UK Climate Transition Benchmark Tracker Fund in regard the passive funds; and
- the impact of the current inflation rates and impact on cash flow projections, off-set by long term strategies (and contribution rates).

It was **MOVED** by Councillor J Morrish, **SECONDED** by R Franceschini and

**RESOLVED**

(a) that the Investment Management Report be noted; and

(b) that the compliance with the 2022-23 Treasury Management Strategy, be noted.

\* **103** **Treasury Management Strategy 2023/24**

(Councillor J Hodgson attended in accordance with Standing Order 25 (1) and spoke to this item in regard to the replacement of the FINEST finance system)

The Committee considered the Report of the Director of Finance and Public Value Please (DF/23/29) on the management of the Fund's cash allocation, setting out the strategy and plans to be followed in the coming year (draft Strategy at Appendix 2 of the Report).

It set out the current treasury position, cash investments, prospects for interest rates and the investment strategy. The strategy was broadly consistent to that agreed for 2022/23 and was in relation to the management of cash, not the rest of the Fund's investments. Pension Fund cash balances were kept at a low level with the main purpose being to provide the required level of liquidity. The Bank of England's raised base rates impacted on the rates available for investment, which have gradually increased over the period since December 2021.

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INVESTMENT AND PENSION FUND COMMITTEE

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Members' discussion points with Officers included:

- the cash represented 1% of the Fund;
- the replacement of the FINEST finance system would not impact on cash management but it would change how cash balances were recorded; and
- no borrowing was normally required by the Fund and only permitted in limited circumstances and any would be very short-term only.

It was **MOVED** by Councillor R Bloxham, **SECONDED** by Councillor A Luggar and

**RESOLVED** that the Treasury Management Strategy for 2023/24 as set out in Appendix 1.2) be adopted.

## \* 104 Funding Strategy Statement

(Councillor J Hodgson attended in accordance with Standing Order 25 (1) and spoke to this item and referred to the Employer response outlined in the Report and also asked questions about the consultation exercise with fund members carried out last year and production of a quarterly news-letter).

The Committee considered the Report of the Director of Finance and Public Value (DF/23/30) on a revised Funding Strategy Statement (FSS) drafted in conjunction with the Fund Actuary (Barnett Waddingham) (draft set out at Appendix 1).

The FSS document had been revised in order to reflect updated regulations, practice and actuarial assumptions and its purpose was to explain the funding objectives of the Fund and how the cost of the benefits provided under the Local Government Pension Scheme were met through the Fund. It also defined the objectives in setting employer contribution rates and the funding strategy adopted to meet the objectives. It also analysed the risks to the funding strategy and how those risks were managed and it should be read in conjunction with the Investment Strategy Statement. The assumptions had been updated to reflect the 2022 Actuarial Valuation. This included updating the assumed inflation rates, the discount rate used, the demographic assumptions and the maximum recovery period. The other main changes in the revised FSS were set out in the Report which related to

- A revised policy in relation to cessation valuations;
- Further clarification around the approach to town and parish councils;
- Updated wording around the impact of the McCloud age discrimination case and the proposed remedies to be applied; and
- A new section setting out the potential climate change risks that may impact on the funding strategy.

The draft of the revised Funding Strategy Statement had been sent out to employers for consultation on 26th January with a deadline for responses of 17th February and one detailed response from the University of Plymouth had been received. The key issues raised by the University of Plymouth were outlined in the report with officer comment. Officers would have further dialogue with the University of Plymouth regarding their concerns. The Pension Board had considered the draft Statement at meeting on 7 February 2023 (Minute \*6 refers).

Following the 2022 Actuarial Valuation, the Fund was required to publish the Valuation Report and Rates and Adjustments Certificate that set out employer contributions for the next 3 years by 31 March 2023.

Approval of the revised Funding Strategy Statement would ensure that the Valuation Report and Rates and Adjustments Certificate were consistent with the funding policy.

Members' discussion points with Officers included:

- the projected increase in employer contributions and in exceptional circumstances the rates could be changed prior to the next triennial valuation; and
- there had been no update from Government on any proposed change from 3 years to four years for the re-valuation period.

The Head of Investments also confirmed that the member survey (referred to by Councillor Hodgson) had been sent to all self-service users or emailed to them and had been available on the website and also promoted through employers; and that the quarterly newsletter was available; and further feedback would be provided at the consultation meeting that afternoon.

It was **MOVED** by Councillor R Bloxham, **SECONDED** by Councillor Y Atkinson and

### **RESOLVED**

(a) that the responses to the consultation with employers and the comments from the Pension Board be noted; and

(b) that the revised Funding Strategy Statement set out at Appendix 1 to this Report be approved.

\* 105

### **Administering Authority Discretions**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/31) on discretions available to Devon County Council as the fund Administering Authority in the administration of the Scheme.

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Following a review by Officers, it was proposed to amend the current discretions as set out in the Report. Annex A of the report detailed the current discretions and proposed changes.

Since the discretions were last reviewed, Councillors were no longer eligible to become or remain active members of the LGPS and therefore a total of five discretions would be deleted. The discretions numbered 1 – 29 remained exactly as the current discretions log, whilst discretions 30 – 39 were only minor wording changes and not deemed by officers to be a change in the underlying policy. Discretions 44-56 related to the Administering Authority's role in employer decisions where the employer no longer existed. Wording has been updated to reflect the current leadership structure reporting to the Director of Finance and Public Value.

Discretions 40 – 43 detailed the proposed changes to current policy.

The proposed discretions had been presented to the Pension Board at their 7th February meeting for comments and the Board had raised a number of questions (Minute \*88 refers).

To address the concerns raised by the Pension Board, Officers proposed to delay the proposed restriction on the ability to transfer in non-public sector pension benefits to apply to new members joining on/after 1 st July 2023. Where members had joined before 1st July 2023, they would still have a 12 month window from their joining date to decide whether they wished to transfer in non-public sector pension benefits.

Members' discussion points with Officers included:

- detailed discussion in regard to discretion 43 which proposed to '*Accept transfers from public sector pension schemes only (including LGPS) for employees who are new to public sector employment (subject to transferring obligations for staff subject to TUPE regulations)*' as this would minimise ongoing liability risk to the pension fund;
- the discussions in relation to discretion 43 related to the need for further clarification (for example deletion of 'new' as former public sector employees could be included); and noting that the proposal was unlikely to act as a disincentive to join the LGPS in Devon, as former private sector pensions could be retained; and the risk to the Fund of transfer values being insufficient to cover the pension costs on a transferring member's retirement due to the current basis for calculating transfer values set by the Government Actuary's Department; and
- confirmation by Officers that any decision on discretion 43 could be delayed without any significant impact.

It was **MOVED** by Councillor J O'Dwyer, **SECONDED** by Councillor Y Atkinson and

**RESOLVED**

(a) that the proposed Administering Authority Discretions 40 - 42 as detailed in the Report be approved; and

(b) that the wording of Discretion 43 (as detailed in the Report) be reviewed by Officers for consideration at the next meeting of this Committee.

\* **106** **Private Markets Investments**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/32) on the medium-term target allocation to private markets of 30%, as stated in the Fund's Investment Strategy.

The current progress towards achieving the target allocations was summarised in the Report. This Report provided further details on the individual private market portfolios and the current position on the commitments made. It also looked at how the private markets allocation could support the UK Government's levelling-up agenda, including the potential for local investment including Infrastructure funds.

Before the set-up of Brunel, the Devon Fund had invested in five infrastructure funds, and would remain invested in those funds until they reached the end of their fund lives and sold off all their assets. In addition, the Fund committed £175 million to Brunel's first infrastructure cycle, £310 million to Brunel's second infrastructure cycle, and £100 million to Brunel's third infrastructure cycle. The Devon Fund's total current commitments were set out in the in the Report.

Members discussion points with Officers included:

- the options for local investments would include devon-wide, across the Brunel partner areas and nationally and subject to proper risk and return analysis as would be the case with any investment and preferably with other investors from the partnership.

It was **MOVED** by Councillor P Bullivant, **SECONDED** by Councillor Y Atkinson and

**RESOLVED**

(a) that the progress being made on the investment of the Fund's private markets commitment be noted;

(b) that no top-ups be made to Brunel's existing Cycle 3 Infrastructure, Private Debt and Private Equity portfolios; and

(c) that Officers be authorised to engage further with Brunel on the potential options for a local impact fund to be funded from the Fund's private markets allocation.

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INVESTMENT AND PENSION FUND COMMITTEE

3/03/23

\* **107**      **Employer Changes**

The Committee noted:

Employer changes not previously reported to the Committee, as set out below

(a) New admitted bodies - The following application for admitted body status has been approved: On 1st September 2022 Axe Valley (Vector Learning Trust) outsourced their catering to Innovate Services.

(b) New academy conversions and changes:

- On 1 July 2022 St Budeaux Primary (Plymouth LEA) and Whitchurch Primary (Devon LEA) joined First Federation Trust.
- On 1st July 2022 Bolham Community Primary School (Devon LEA) joined Ventrus Academy Trust.
- On 1st July 2022 High View Primary (Plymouth LEA) joined Learning Academy Trust.
- On 1st September 2022 Burlescombe CofE Primary School (Devon LEA) and Webbers CofE Primary (Devon LEA) joined Alumnis MAT.
- On 1st September 2022 King Edward VI Community College (KEVICCS) joined Education South West.
- On 1st September 2022 Brixham College joined Thinking School Academy Trust.

(c) Cessations: on 1st August 2022 staff were insourced from Babcock International to Devon County Council.

\* **108**      **Annual Consultative Meeting with Staff and Retired Members**

The Committee noted that the Annual Consultative Meeting was being held in the afternoon following the Investment and Pension Fund Committee meeting, commencing at 2.15pm.

Presentations would be made by Faith Ward, Chief Responsible Investment Officer at the Brunel Pension Partnership, Mark Gayler, Head of Investments, Rachel Lamb, Head of Peninsula Pensions, and Councillor Colin Slade, Chair of the Devon Pension Board.

\* **109**      **Dates of Future Meetings**

16 June, 15 September, 24 November, and 1 March 2024 (followed by the Consultative meeting).

Confirmation of dates and other information available at:

[Browse meetings - Investment and Pension Fund Committee - Democracy in Devon](#)

\* 110 **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 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information

\* 111 **Brunel Business Plan and Reserved Matters Requests**

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

The Committee considered the Report of the Director of Finance and Public Value (DF/23/33) on three special reserved matters issued by the Brunel Partnership that required a response and given the timing and importance of the issues concerned, these were brought to Committee for endorsement before being signed off by the Director.

They related to: (i) Revised strategic objectives; (ii) Business case and budget for 2023/24; and (iii) Revised remuneration policy and people strategy.

It was **MOVED** by Councillor R Bloxham, **SECONDED** by Councillor Y Atkinson and

**RESOLVED**

(a) that the Brunel Pension Partnership's revised strategic objectives for approval by the Director of Finance and Public Value under their delegated powers as the shareholder representative for Devon be endorsed;

(b) that the Brunel Pension Partnership's business plan for 2023/24 for approval by the Director of Finance and Public Value under their delegated powers as the shareholder representative for Devon be endorsed; and

(c) that the Brunel Pension Partnership's revised remuneration policy for approval by the Director of Finance and Public Value under their delegated powers as the shareholder representative for Devon, be endorsed.

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INVESTMENT AND PENSION FUND COMMITTEE

3/03/23

## \* 112 Infrastructure Investment

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

The Committee considered the Report of the Director of Finance and Public Value (DF/23/34) on an update on the position in regard to the Hermes and Igneo Infrastructure funds.

It was **MOVED** by R Franceschini, **SECONDED** by Councillor Y Atkinson and

### **RESOLVED**

(a) that the current position with the Hermes and Igneo infrastructure investments be noted;

(b) that an investment of £30 million, as detailed in the Report, in a renewable energy fund, as part of the 10% strategic allocation to infrastructure, be approved.

## \* 113 Passive Benchmarks

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

The Committee considered the Report of the Director of Finance and Public Value (DF/23/35) on the benchmarks for passive investments.

It was **MOVED** by R Franceschini, **SECONDED** by Councillor P Bullivant and

**RESOLVED** that the position set out in the report be noted.

### **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 10.30 am and finished at 12.50 pm



**PUBLIC RIGHTS OF WAY COMMITTEE**

9 March 2023

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Bradford, J Brook, I Chubb, D Sellis and D Thomas

Members attending in accordance with Standing Orders 8 and 25

Councillors J Bailey, J Yabsley

**46 Chair's Announcements**

The Chair advised the committee that, following discussions with officers, the background papers pertaining to items on future Public Rights of Way agendas shall not be made available in hard copies by default. Each report shall include pertinent information from the background papers alongside details of who to contact to arrange viewing of the background papers.

The Chair also welcomed Mrs A Mayes MBE who was attending (remotely) in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

**\* 47 Minutes**

**RESOLVED** that the minutes of the meeting held on 3 November 2022 be signed as a correct record.

**\* 48 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**\* 49 Devon Countryside Access Forum**

The Committee received the minutes of the meeting of 20 October 2022, which were not available in time for the previous meeting of this committee. The committee also received the draft minutes of the meeting held on 31 January 2023.

A councillor highlighted that the minutes of the 20 October meeting raised concern about why it was necessary for the design proposals for the A379 bridge to include a step to resting areas which impacted on those with limited mobility. It was expressed that access for those with limited mobility is very important and that Devon County Council should be proactively demonstrating inclusivity in this respect.

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PUBLIC RIGHTS OF WAY COMMITTEE

9/03/23

\* 50 **Parish Review: Definitive Map Review - Parish of Newton Poppleford & Harpford - Proposals 1 and 2**

(Councillor J Bailey attended (remotely) in accordance with Standing Order 25 and spoke in support of the officer recommendation for Proposal 1).

Mr R Swan, the applicant for Proposal 1, attended the meeting under the Council's Public Participation scheme and spoke in favour of recommendation (a) regarding Proposal 1, and against recommendation (b) regarding Proposal 2.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/12) on two proposals arising from the Definitive Map Review in the parish of Newton Poppleford & Harpford.

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

**RESOLVED** that

(a) a Modification Order be made in respect of Proposal 1; and

(b) that no Modification Order be made in respect of Proposal 2.

\* 51 **Parish Review: Definitive Map Review - Parish of Bickleigh**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/13) which examined the Definitive Map Review in the parish of Bickleigh in the South Hams District. The review had been completed for the parish of Bickleigh and no modifications had been identified.

Members noted the report.

\* 52 **Parish Review: Definitive Map Review - Parish of Washfield Part 1 - Proposal 1**

Mrs K Duckett and Mr S Brooking attended the meeting under the Council's Public Participation scheme and spoke in favour of the officer recommendation.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/14) which examined the route referred to as Proposal 1 that had arisen out of the Definitive Map Review in the Parish of Washfield in Mid Devon. A report on Proposal 2 would be brought to the next committee meeting in July 2023.

It was **MOVED** by Councillor Chesterton, **SECONDED** by Councillor Hellyer and

**RESOLVED** that no Modification Order be made to modify the Definitive Map and Statement for the addition of a Bridleway A – B – C - D as shown on drawing number HIW/PROW/22/17a (Proposal 1).

\* **53**      **Schedule 14 Application - Parish of Honiton**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/15) which examined one proposal arising from a Schedule 14 application in the parish of Honiton in East Devon district.

It was **MOVED** by Councillor Thomas, **SECONDED** by Councillor Chesterton and

**RESOLVED** that no Modification Order be made in respect of Proposal 1.

\* **54**      **Proposed Diversion: Bridleway No. 6, East Anstey**

(Councillor J Yabsley attended in accordance with Standing Order 25 and spoke in support of the officer recommendation).

Mrs L Moore, the applicant, attended the meeting under the Council's Public Participation scheme and spoke in favour of the officer recommendation.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/16) examined a landowner application to divert a public bridleway in the parish of East Anstey.

The proposal was made to facilitate improved privacy, and to enable the applicant to better enjoy use of their garden and paddocks. The diversion would also benefit users of the bridleway by improving ease of access. The proposal was shown on plan no. CCET/PROW/22/15.

Members agreed that the proposed modification order would likely facilitate increased usage of the bridleway as users would not have to move conspicuously past the applicant's house and near their garden, which would be likely to discourage use.

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

**RESOLVED** that a Public Path Diversion and Definitive Map & Statement Modification Order be made to divert Bridleway No. 6, East Anstey from the line A – B – C – D to the line A – G – F – E as shown on drawing no. CCET/PROW/22/15 and that if there are no objections, or if such objections are made and subsequently withdrawn, it be confirmed as an unopposed order.

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PUBLIC RIGHTS OF WAY COMMITTEE

9/03/23

\* **55**      **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee received the report of the Director of Climate Change, Environment and Transport (CET/23/17) which outlined decisions received from the Secretary of State since the last meeting of the Committee.

Members noted the report.

\* **56**      **Public Path Diversion and Definitive Map Modification Orders**

The Committee received the report of the Director of Climate Change, Environment and Transport (CET/23/18) which informed that since the last meeting a Definitive Map Modification Order (Footpath No. 38, Newton Poppleford & Harford) had been confirmed as unopposed.

Members noted the report.

\* **57**      **Public Path Orders**

The Committee noted the Report of the Director of Climate Change, Environment and Transport (CET/23/19) on the Public Path Orders made and confirmed under delegated powers.

\* **58**      **Public Path Orders - District Councils**

The Committee noted the Report of the Director of Climate Change, Environment and Transport (CET/23/20) on the Public Path Orders made, confirmed, and certified by local planning authorities, under powers through the Town and Country Planning Act 1990.

\* **59**      **Rights of Way Improvement Plan and Highway Infrastructure Asset Management Plan**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/21) which provided an update on progress in reviewing two key plans setting out priorities and actions pertinent to management, maintenance, and development of the public rights of way network.

Members highlighted the importance of the maintenance of Devon's public rights of way which residents often feedback on, including where additional work would be beneficial. Councillors considered that consideration should be given to increasing community giving.

\* 60 **Dates of Future Meetings**

Dates of future meetings were noted as:

13 July 2023, 2.15pm  
23 November 2023, 2.15pm  
7 March 2024, 2.15pm

**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 2.15 pm and finished at 3.18 pm



## STANDARDS COMMITTEE

16 March 2023

### Present:-

Councillors M Asvachin, J Bailey, I Hall (Chair), L Samuel and C Slade

R Hodgins, A Mayes, R Saltmarsh

### Apologies:-

Councillors A Connett and P Maskell

Sir Simon Day, I Hipkin

### \* 32 Minutes

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Asvachin, and **RESOLVED** that the minutes of the meeting held on 17 November 2022 be agreed as a correct record.

### \* 33 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

### 34 Standards Annual Report 2022/2023

The Committee considered the Standards Annual Report for 2022/23 prepared in line with best practice commenting on work and developments during the year and on any issues for consideration or development in the future.

The Committee had met four times in 2022/23. Co-opted Members attended several other meetings of Committees to observe and monitor compliance with the Council's ethical governance framework.

Following on from the Committee's March 2022 meeting in which a revised Member's Code of Conduct was considered, the new Code was adopted by Council in May 2022.

Other matters considered by the Committee during the past year included Councillor Complaints Guidance, the Local Government (Disqualification) Act 2022, a review of the Government's response to the Committee on Standards in Public Life Review of Local Government Ethical Standards, an update on ongoing work regarding Councillors safety and reducing harassment, tackling abuse and intimidation, and reviewing ethical governance.

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STANDARDS COMMITTEE

16/03/23

The Report also referred to the number of complaints that had been received over the last 12 months, the nature of the allegations and the outcome of each of those.

The Committee in the previous year had considered 7 complaints concerning alleged breaches of the Member's Code of Conduct, of which four were determined as no breach of the Code.

Looking ahead, much of the work of the Committee would be demand led. One of the main focuses would be the Governance Review which was expected to commence shortly and would cover several issues such as learning and development, decision making, and governance engagement.

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

The Committee placed on record their thanks for the work of all Members and their input into many of the improvements in the Standards Processes.

**RESOLVED** that the Annual Report for 2022/23 be approved, published on the Council's website and promoted via Inside Devon.

## \* 35 **Ethical Governance Framework: Monitoring**

The Committee received the report of the Director of Legal and Democratic Services (LDS/23/5) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting, monitoring compliance by Members and Officers with the Council's ethical governance framework.

A total of six meetings had been observed and most of the feedback was positive, although there were comments about audio problems; it was acknowledged that this had been raised and included the lack of hearing loops. Reassurance had been given there was ongoing work in this area to make improvements.

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

## \* 36 **Local Determination of Complaints**

The Director of Legal and Democratic Services reported that, since the last meeting, there had been no complaints concerning an alleged breach of the Members Code of Conduct.



\* **37**      **Committee on Standards in Public Life - Leading in Practice Review**

The Committee noted that the Committee on Standards in Public Life had undertaken a review of leadership across the public sector, as well as the private and third sectors.

The review focused on case studies regarding how ethical standards were upheld within organisations and examples of best practice.

The Committee on Standards in Public Life had published its Report in late January 2023 <https://www.gov.uk/government/news/the-committee-on-standards-in-public-life-publishes-new-report-leading-in-practice> and identified 20 questions for Leaders to help them reflect on whether there was more they could do to support their people to think about the Principles of Public Life and integrate them into all aspects of how their organisation operated.

**38**      **Exclusion of Press and Public**

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Slade and

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**39**      **Allegation of Breach of Members Code of Conduct**

The Committee considered the Report into a complaint received relating to alleged breaches of the Members' Code of Conduct by Councillor Atkinson (the Subject Member).

The covering Report of the Assistant Director of Legal Services included the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee to undertake a formal investigation.

The Director of Legal and Democratic Services and Monitoring Officer stressed the importance of the Committee in thoroughly considering the issues before reaching its own conclusion as to whether there had been a breach of the Members' Code of Conduct. The Report also encompassed the views of the Independent Person following his consideration of the Investigator's Report.

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The Monitoring Officer further reminded the Committee of its role and remit which was to determine, in light of the Investigator's Report, whether the Code of Conduct had been breached. If the Committee found there was no breach, then there would be no further action, but if the Committee agreed there had been a breach, then it needed to determine what sanctions, if any, should be applied to the Subject Member.

She further outlined the requirements of the law in terms of the Localism Act and declaration of interests.

The Assistant Director of Legal Services summarised the key and salient points of the complaint (covering nine allegations) and the investigation process including the involvement of the Police and CPS, due to the requirements of the Localism Act.

It was highlighted that the Subject Member had been advised on the requirements of Member's Register of Interests.

There was discussion and questions from Members which included the length of time involved in finalising the investigation, concerns about the understanding of parties involved, querying the public interest test in the process, potential confusion from Members regarding the Register of Interests form, , acknowledgement of the advice given to the Subject Member and length of time given to redress the matter, further training and that help and support for all Councillors covering the Members' Code of Conduct requirements would be provided shortly.

In considering allegation one, the Committee **RESOLVED** there had been a breach of the Members' Code of Conduct under paragraph 1.3 (f) (declaring private interests, whether disclosable or personal that relate to public duties) and paragraphs 6 and 6.1 in Part 2 of the Code (provide written notification to the Monitoring Officer of any disclosable pecuniary interest as defined by the Regulations).

*(in accordance with Standing Order 32(4) Councillor Bailey requested that her vote against the motion be recorded)*

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

The Committee then considered allegations 2-9 and **RESOLVED** unanimously there were no further breaches of the Members Code of Conduct.

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

The Committee then determined what sanctions, if any, should be applied to the Subject Member.

The sanctions available were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access). The Committee could also direct the Subject Member to update her Register of Interests.

The Committee considered each of the sanctions available to them, in turn, and agreed the following.

## **RESOLVED:**

- that the Subject Member be required to issue a formal apology to the Council;
- that the Monitoring Officer be asked to arrange and / or provide relevant training to the Subject Member; and
- that the Subject Member be requested to update her Register of Interests with immediate effect.

*(in accordance with Standing Order 32(4) Councillor Bailey requested that her vote against the motion be recorded)*

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

## **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 2.15 pm and finished at 3.23 pm



## APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

27 March 2023

Present:-

Councillors J Hart (Chair), A Saywell, F Letch MBE, J McInnes and T Adams

\* **55**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 2 February 2023 be signed as a correct record.

\* **56**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **57**      **Deputy Director Children's Services - Head of Children's Social Care**

The Committee noted that recruitment process for the Deputy Director Children's Services - Head of Children's Social Care would commence under Part 2 legislation.

\* **58**      **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 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely relating to any individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**59**      **Deputy Director Children's Services - Head of Children's Social Care**

The Committee interviewed one candidate for the post of Deputy Director Children's Services - Head of Children's Social Care with a view to making a recommendation upon an appropriate appointment to the County Council on 25 May 2023. The Committee noted that two candidates had previously been through a technical interview process.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement and the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution).

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APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
27/03/23

The interview having been completed and the suitability of the candidate for the post having been fully discussed and all relevant factors having been considered, such as the very high level and breadth of experience and responsibility required for the role and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **RESOLVED** that the press and public be now re-admitted to the meeting.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Letch and further **RESOLVED** that the Council be recommended to appoint Rebecca Hopkins to the post of Deputy Director Children's Services - Head of Children's Social Care on grade L3, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

## **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 12.45 pm and finished at 3.50 pm

**APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE**

12 April 2023

Present:-

Councillors J Hart (Chair), J McInnes (Vice-Chair), C Whitton, A Saywell and F Letch MBE

\* 60

**Minutes**

**RESOLVED** that the minutes of the meeting held on 23 March 2023 be signed as a correct record.

\* 60

**Minutes**

**RESOLVED** that the minutes of the meeting held on 23 March 2023 be signed as a correct record.

\* 61

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 62

**Appointment to the posts of the Director of Transformation, Performance & Resources and Director of People and Culture**

The Committee considered the Report of the Director of Legal and Democratic Services outlining proposals for posts of Director of Transformation and Business Services (formerly named Transformation, Performance & Resources) and Director of People and Culture (currently known as Head of HR).

A copy of the relevant job descriptions had also been circulated to the Committee, following their evaluations.

The Committee noted that proposals for new leadership arrangements, had been detailed in the Appointments and Remuneration and Chief Officer Conduct Committee paper (19<sup>th</sup> January 2022), and had created a new post of Director of Transformation, Performance & Resources, which encompassed the existing remits of the Head of Digital, Transformation & Business Support, Head of HR and Head of Organisational Change. They further noted the unsuccessful assessment and recruitment process and feedback from the agency regarding the substantial remit of the role.

With a new Chief Executive in post, the options in relation to the remit of the post had been considered. The Committee was further asked to note the challenging nature of the recruitment market and the renewed focus on

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APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
12/04/23

workforce for the Council, delivery of a People's Strategy and also addressing sizeable cultural issues across some service areas. The strategic and operational demands from a workforce perspective were considerable and removing them from the scope of the Director of Transformation & Business Services to sit within its own Directorate, would support the renewed focus on staff, as well as create a more appropriately sized remit to enable successful recruitment to the post.

The Chief Executive advised Members that a focus for the organisation moving forward was wellbeing, belonging, recruitment and retention and a move away from the appointment of interim posts to create stability and also reduce the costs of recruitment at this level. The posts would also be instrumental in supporting other areas of the organisation with the core elements and principles of the new People's Strategy.

In line with the 8 Point Plan to support financial sustainability, all vacant established roles must consider internal staff resource first and it was therefore proposed that the Director of Transformation & Business Services post should be advertised internally as soon as possible in order to provide the required stability at Senior Leadership Team level.

It was further proposed that the current role of Head of HR was replaced by a Director of People and Culture role. The current post holder would be put at risk of redundancy and ring-fenced for the new role, so would have the opportunity to interview for the role prior to it needing to be advertised further.

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

## **RESOLVED**

(a) that the remit of the Director of Transformation, Performance & Resources be amended to remove the Human Resources (HR) function and that the post be renamed to Director of Transformation & Business Services; and

(b) that the role of Head of HR be replaced with a Director of People and Culture post that will form part of the Senior Leadership Team.

## **NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*

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

The Meeting started at 12.58 pm and finished at 1.23 pm



## APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

27 April 2023

Present:-

Councillors J Hart (Chair), C Whitton, A Saywell, F Letch MBE and J McInnes

\* 63

**Minutes**

**RESOLVED** that the minutes of the meeting held on 12 April 2023 be signed as a correct record.

\* 64

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 65

**Exclusion of the Press and Public**

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

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely relating to any individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

66

**Director of Transformation and Business Services**

The Committee had, earlier in the day, interviewed two candidates for the post of Director of Transformation and Business Services of Devon County Council with a view to making a recommendation upon an appropriate appointment to the County Council on 25 May 2023.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement and the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution).

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APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
27/04/23

The interviews having been completed and the suitability of the candidates for the post having been fully discussed and all relevant factors having been considered, such as the high level and breadth of experience required for the role and the understanding of the Council's priorities and needs, and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **RESOLVED** that the press and public be now re-admitted to the meeting.

It was further **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** that the Council be recommended to appoint Matthew Jones to the post of Director of Transformation and Business Services of Devon County Council on grade L3, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

67

## **Director of People and Culture**

The Committee had, earlier in the day, interviewed one candidate for the post of Director of People and Culture of Devon County Council with a view to making a recommendation upon an appropriate appointment to the County Council on 25 May 2023.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement, the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution) and as outlined in the [Report to the Committee on the 12 April 2023](#).

The interview having been completed and the suitability of the candidate for the post having been fully discussed and all relevant factors having been considered, such as the high level experience and responsibility required for this crucial role, the renewed focus on workforce and the implementation of a People's Strategy, and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **RESOLVED** that the press and public be now re-admitted to the meeting.

It was further **MOVED** by Councillor Hart, **SECONDED** by Councillor Letch, and

**RESOLVED** that the Council be recommended to appoint Maria Chakraborty to the post of Director of People and Culture of Devon County Council on grade L3, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

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

The Meeting started at 8.30 am and finished at 1.30 pm



## APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

9 May 2023

Present:-

Councillors J Hart (Chair), C Whitton, A Leadbetter, A Saywell and  
F Letch MBE

\* 68 **Minutes**

**RESOLVED** that the minutes of the meeting held on 27 April 2023 be signed as a correct record.

\* 69 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 70 **Exclusion of the Press and Public**

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

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely relating to any individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

\* 71 **Director of Children and Young People's Futures**

The Committee had, earlier in the day, interviewed two candidates for the post of Director Children and Young People's Futures of Devon County Council with a view to making a recommendation upon an appropriate appointment to the County Council on 25 May 2023.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement and the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution).

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2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
9/05/23

The interviews having been completed and the suitability of the candidates for the post having been fully discussed and all relevant factors having been considered, such as the high level and breadth of experience and responsibility required for this crucial role and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **RESOLVED** that the press and public be now re-admitted to the meeting.

It was further **MOVED** by Councillor Hart, **SECONDED** by Councillor Leadbetter, and

**RESOLVED** that the Council be recommended to appoint Stuart Collins to the post of Director Children and Young People's Futures of Devon County Council on grade L1, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

## **NOTES:**

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

The Meeting started at 1.16 pm and finished at 4.21 pm

## PROCEDURES COMMITTEE

25 April 2023

### Present:-

Councillors Hall (Chair), Biederman, Brazil, Hart, Hodgson, Hughes, Leaver and Whitton (remote attendance).

### Apologies:-

Councillors D Barnes

### Members attending in accordance with Standing Order 25

Councillors Bailey and Connett (remote attendance)

#### \* 30 **Announcements**

The Chair welcomes Mr Hipkin who was attending the meeting in his capacity as a co-opted Member of the Standards Committee to monitor compliance with the Council's ethical and governance framework.

#### \* 31 **Minutes**

**RESOLVED** that the minutes of the meeting held on 2 February 2023 be signed as a correct record.

#### \* 32 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

#### \* 33 **Governance Review**

(Councillors Bailey and Connett attended under Standing Order 25(2) and spoke to this item)

The Committee considered the Report of the Director of Legal and Democratic Services and Monitoring Officer and Director of Finance and Public Value on a proposed approach, programme and timeline for a Governance Review.

The Leader introduced the Report, highlighting that the Council was built on strong foundations and Elected Members had excellent professional relationships with officers. The Director of Legal and Democratic Services and Chief Executive outlined the key features of the review and the reasons for its impetus.

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By way of a background, the Report highlighted the current challenges facing the Council since the pandemic, for example cost of living, Children's Services and SEND and budgetary challenges. Ofsted had also cited failures of the County Council's Governance; therefore, a review of Corporate Governance was a priority. This was in addition to other strategic approaches such as the People Strategy and Leadership and Direction through a revised Corporate Plan for the year ahead.

The purpose of the Report was to agree the approach to reviewing the Council's Corporate Governance and a root and branch review of its Governance arrangements and Appendix 1 set out the proposed review programme and timetable. The Committee were advised that such a review had not been undertaken in many years.

The aim of the Governance Review was to implement effective scrutiny arrangements and functions in place for Council decisions, understand roles in Council business, have a culture where staff were enabled and empowered to constructively challenge and improve ways of working, developing / deepening relationships with external partners, achieving best value, a focus on residents and customers and responsive to needs, decisions made are via well understood and transparent channels and supported by evidence, maintain political stability and a focus on continuously improving in all areas.

External regulatory bodies had further supported that the Council's Corporate Governance needed to be strengthened.

The Committee further noted that an annual external value for money review was currently being undertaken by external auditors (Grant Thornton), and the findings could result in further revisions of this plan.

The timescales of the proposed reviews allowed for consultation, engagement and then training of officers and elected members to provide consistency across the whole Council (a one council approach). Strong, trusted Governance was essential for the Council to continue to be a credible and authoritative democratically accountable champion for the people and communities of Devon.

The Council had combined resultant activity into a single Governance improvement action plan attached at appendix 1 which outlined each and every review action linked to the governance review in one table for completeness. The action plan would be updated regularly.

The review was multi-faceted, with the overarching ambition to deliver an effective and efficient governance infrastructure embedded across the whole organisation. To support this, the review would incorporate a development and engagement programme for officers and Elected Members.



The review programme had been divided into phases with phase 1 focusing on the critical areas of the governance arrangements for the next 1-6 months which had been identified and Phase 2 on high priority matters for the next 6-12 months.

The Phase 1 review comprised of Member Engagement Strategy, review of elected Members delegated authority arrangements, standardised report templates and sign off sheets, review of all external boards and Committees which the Council was a member of, decision making (thresholds etc), review the number and type of committees, Constitution Review (Contract Procedure Rules, Financial Regulations, Council Procedure Rules and Scheme of Delegation), Scrutiny, review of Elected Member learning and development, officer development & governance engagement and relationships with partners and key stakeholders.

Phase 2 included Constitution Review: General Provisions and Modern.Gov development opportunities, modernisation of the Chamber, democratic engagement, corporate governance, Committee structure and Members Code of Conduct and arrangements.

Members asked questions and raised the following matters in discussion.

- Representation from all political groups on the Council and the importance of including all Members in this work.
- The pace of the review and whether timescales were achievable and suitably dovetailed.
- That any agreed changes needed to be futureproofed, for beyond the 2025 quadrennial elections.
- Clarification of the term political stability, in the context of the Report and review.
- Resilience across the Council, the ability to deliver services and where decision and policy making currently sat.
- The Council's record in cross party working and the value of Scrutiny in supporting this agenda and harnessing these strengths.
- That diversity across the Council was important as well as in decision making roles.
- How appointments to the working group could be made; and
- That the working group, in any Report coming forward, needed to articulate members views, particularly any voting outcomes (notwithstanding the working group was not a decision-making body).

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PROCEDURES COMMITTEE

25/04/23

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

**RESOLVED** that Council be recommended to:

- (a) establish a cross-party working group comprising up to 7 Members, to progress a root and branch Governance Review, noting recommendation (b) below which gives flexibility for wider membership as the review progresses;
- (b) that the Director of Legal and Democratic Services, in consultation with the Chair of Procedures Committee be authorised to appoint additional Members to the working group, in line with the review themes;
- (c) approve the proposed approach, programme and timeline for the Governance Review, as set out in Appendix 1; and
- (d) that the Director of Legal and Democratic Service, in consultation with the Chair of Procedures Committee be authorised to implement any changes to the Governance review programme which are required.

## **NOTES:**

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

The Meeting started at 11.00 am and finished at 12.29 pm

## DEVELOPMENT MANAGEMENT COMMITTEE

26 April 2023

Present:-

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

In attendance, virtually:-

Councillor Su Aves

Apologies:-

Councillors C Slade and J Yabsley

**38**     **Minutes**

RESOLVED that the Minutes of the meeting held on 7 December 2022 be signed as a correct record.

**39**     **Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

**40**     **County Matter: Waste South Hams District: Proposed variation of condition 1 of permission 0704/22/DCC (Proposal to vary condition 2 of permission 1690/20/DCC (Variation of condition 4 (to extend the temporary permission) of planning permission DCC/3638/2014 for importation of inert waste for the purpose of filling the void as part of the restoration of Steer Point Quarry) to revise the design of the gravity outfall into Coflette Creek) to extend the period to import waste into the site to 31 October 2023, Steer Point Quarry, Steer Point Road, Brixton**

The Committee considered the Report of the Chief Planner (CET/23/32) on a variation of a condition to allow an extended period for importation of inert waste materials to be used in the restoration of Steer Point Quarry. The application sought to vary condition 1 of permission 0704/22/DCC (DCC/4285/2021) which was a variation of an earlier planning permission (DCC/3638/2014) for the importation of waste to restore Steer Point Quarry.

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 need for minor changes to Conditions 1 and 3 was indicated in the officer's presentation.

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Member discussions and questions to the Officers related to lorry movements in particular during school opening and closing times, clarification over the conditions for the water body which had emerged during the restoration of the site, whether an environment permit was in place, questioning if the length of the extended period of 6 months would be sufficient and penalties for breaking conditions of the planning permission.

Members were informed that: there were stringent conditions in place for lorry movements and for these to be outside of normal school busy periods; condition 3 addressed the additional water body and how this was to be managed and monitored; an environment permit was now in place although it was one cause of initial delays in importing waste the main reason was due to the Covid pandemic. The applicant was confident the extension was sufficient to complete the work and vehicle movements were monitored from time to time. There was a complaints procedure in place for people to use if they wish.

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

**RESOLVED** that planning permission is granted to enable importation of waste to 31 October 2023 subject to the conditions in Appendix 1 of the report as amended by the revisions to Conditions 1 and 3 tabled at the meeting, with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member.

41

**County Matter: Waste - Variation of Condition 2 of Devon County Council Ref. DCC/4198/2020 for the extensions and alteration to the existing waste processing facility and combined heat and power plant, Unit 8, Stuart Way, Hill Barton Business Park, Clyst St Mary**

The Committee considered the Report of the Chief Planner (CET/23/33) for a planning application to vary a combined heat and power [CHP] plant at Unit 8, Hill Barton Business Park previously in March 2021. The proposal seeks to remove the originally proposed upwards extension of the existing processing building, site the CHP related plant and equipment externally, and install revised airflow management system and sound attenuation to retain existing operational sound levels within the plant.

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 related to understanding of acronyms for RDF (Refuse Derived Fuel) and CHP (Combined Heat and Power), the reduction of the height of the chimney stack and gas omissions which were covered by the Environmental Permit, and possible changes in noise levels which would be covered by further assessments.

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

**RESOLVED** that planning permission be granted subject to the planning 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).

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

The Committee received and noted the report of the Chief Planner (CET/23/34) 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 2.50 pm



## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

21 February 2023

### Present:-

Councillors A Dewhirst (Chair), C Slade (Vice-Chair), M Asvachin, J Brook, P Bullivant, R Chesterton, P Crabb, M Hartnell, J Hodgson, R Radford, J Trail BEM and J Wilton-Love

### Members attending in accordance with Standing Order 25

Councillors J Hart, F Letch and P Twiss

### Apologies:-

Councillors Y Atkinson, J Berry and I Roome

#### \* 96 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 97 **Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### \* 98 **Call-in of Cabinet Member Decision: Land in Crediton**

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

(Councillor R Chesterton declared a personal interest by virtue of his membership of the Mid Devon District Council's Planning Committee in so far as this matter related to the current and proposed Local Plans).

Councillors F Letch attended in accordance with Standing Order 25 (2) and spoke to this item and referred to the proposed purchase price and necessity and strategic value of the land in question; and Councillors J Hart and P Twiss attended in accordance with Standing 25 (1) and spoke with the consent of

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the Committee in support of the Cabinet Member decision and referred to the strategic importance of the land in question in the best interests of the County Council and the local community.

In accordance with Paragraph 17 of the Scrutiny Procedure Rules, the Chair had invoked the call-in Procedure in relation to the Cabinet Member decision FIN 700 in regard to the proposed purchase of land in Crediton (decision published on 6 February 2023).

The Call-in in the name of the Chair related to costs, valuations and links to local plans.

The Head of Service (Digital Transformation & Business Support) reported on the initial guide price, further valuations, bid process and the strategic importance of the land in question in terms of access arrangements and possible future development and environmental and infrastructure considerations.

The Members referred to the strategic importance of the land in question and need to protect the County Council's and the local community's best interests in the longer term.

It was **MOVED** by Councillor P Crabb, and **SECONDED** by Councillor J Brook and

**RESOLVED** that that the Cabinet Member decision (FIN 700) in relation to land purchase in Crediton be endorsed, as detailed in the Head of Service's presentation.

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

The Meeting started at 2.15 pm and finished at 2.54 pm



## CHILDREN'S SCRUTINY COMMITTEE

14 March 2023

### Present:-

Councillors R Hannaford (Chair), P Sanders, S Aves, J Bradford, J Brazil, C Channon, L Hellyer, F Letch MBE, L Samuel, M Squires and J Wilton-Love

Ms Claire Platt (Church of England Diocesan representative) (remote)

### Apologies:-

Councillors G Gribble and J Hawkins

### Members attending in accordance with Standing Order 25

Councillor A Leadbetter

\* 82

### Minutes

**RESOLVED** that the Minutes of the two meetings held on 26 January 2023 be signed as a correct record.

\* 83

### Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

\* 84

### Public Participation

There were no oral representations from members of the public.

\* 85

### Scrutiny Committee Work Programme

The Committee were updated as to the Work Programme. In addition:

(a) Any Member wishing to be involved in the planned Recruitment and Retention Spotlight Review should contact the Chair or Scrutiny Officer.

(b) A new short term Budget Monitoring Group was also planned, and the Scrutiny Officer would share arrangements for this shortly.

\* 86

### Children's Social Care Performance

(Councillor Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item)

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The Committee received the Children's Social Care Performance Dashboard, which had been reviewed following feedback from Scrutiny Members. The revised dashboard was now consistent with the same methodology Ofsted used to visualise the data and direction of travel in the Children's Services Analysis Tool.

The Report outlined the following key points:-

- Referral rates had reduced in December to 385 and overall the rate of referrals over the last 12 months in Devon was now below the national average, but higher than statistical neighbours.
- Assessments performance had continued to improve to 91% in December.
- The number of Section 47 child protection enquiries per 10,000 had reduced during December.
- Children in Care numbers increased in December, but remained lower than the national and statistical neighbour averages.
- Average caseloads had reduced to 16.5 children in December compared to 18.7 in August 2022.

Lengthy discussion followed with Members and Officers and included:

- Service priority was the need to improve accommodation for 17-18 year olds, and to improve care planning for this cohort to ensure they were in education, employment or training (EET) and Officers confirmed they were liaising with other relevant service areas of the Council to help with this.
- Department for Education advice had been sought on care experienced young people and a review of the service area was to be undertaken.
- Members voiced concern at the number of vulnerable care leavers who were in unsuitable accommodation; and also the current consultation on possible funding cuts to the YMCA. It was questioned why Children's and Adult Services data could not be shared to ensure adequate provision was available on transition.
- Although it was clarified that homeless young people were the responsibility of District Councils, rather than the County Council, Members viewed this as a joint responsibility involving all agencies working together.
- Recruitment and retention was discussed and Members remained concerned at the high level of agency workers – this was due to be considered further at the forthcoming Scrutiny spotlight review.
- A quality performance framework had just been introduced and would be reported on in due course.
- Members requested feedback on what the referral thresholds were in Devon, and Officers would share with the Committee at a future date the focussed work being undertaken by the Safeguarding Partnership

on the 'front door' of social care and a shared understanding of the issues.

- The geographical and cultural variance of service areas – Officers reported that work was being done to bring areas up to a common standard.
- Officers confirmed there were currently 10 young people in unregistered placements, some within the County and some further afield; they were met with weekly, and commissioning partners carried out safeguarding checks.

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

**RESOLVED** that the Committee:

- (a) Raises concerns about the support and accommodation for care leavers, and recognising the ongoing consultation asks the Cabinet to carefully consider future plans and the impact of any changes.
- (b) Raises concerns about the 52% of social workers being agency workers, a significant rise from the data previously reported to the Committee.
- (c) Adds an item to the work programme on threshold levels and referrals for the front door of Children's Social Care.

\* 87

### **Ofsted Monitoring Visit**

The Ofsted letter summarised the findings of the monitoring visit to Devon Children's Services on 6 and 7 December 2022. This had been the fourth monitoring visit since the local authority had been judged inadequate in January 2020.

Areas covered by the visit were a review of the progress made in the quality and impact of services for children in care, including disabled children. Inspectors had a particular focus on the following areas of concern identified at the last inspection:

- Permanence planning for children.
- The experiences and progress of children living in unregulated and/or unregistered provision.
- The experiences and progress of disabled children in care.
- Strategic oversight and grip on areas for improvement and oversight by senior leaders, including of case audits and supervision.

The letter detailed the headline findings and evaluation of progress, finally noting that the continued lack of certainty around senior leadership arrangements for children's services and about the future structure, ethos and

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direction of travel created vulnerability in the already slow pace of change to services for children in Devon.

Members' discussion and Officer responses to the Ofsted letter included:

- Officers shared concern as stated in the letter that the majority of children did not have strong engagement with their social worker, and that this was an area being worked on.
- Another area being worked on was support for families in taking back care leavers through the care system.
- As to supervision records not referencing the audit outcomes from the child's viewpoint – the audit programme was being refreshed to shape and improve practice.
- The pressure on social workers and the aim to reduce the amount of bureaucracy was a difficult balancing act.
- Members were very supportive of a therapeutic approach to help children understand their lives and situations.
- Members were keen to have a vision statement or action plan on the progress being made against the Children's Social Care Improvement Plan.

\* 88

## **Devon Local Area SEND Improvement Plan**

The Improvement Plan was in response to the Ofsted and the Care Quality Commission revisit to the area between 23 and 25 May 2022, and was to decide whether sufficient progress had been made in addressing each of the areas of significant weakness, identified in the inspection in December 2018.

The Improvement Plan was to be monitored by the Department for Education and NHS England and was intended to focus specifically on improvements in four areas of weakness:

1. The fact that strategic plans and the local area's SEND arrangements are not embedded or widely understood by stakeholders, including schools, settings, staff and parents.
2. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
3. The time it takes to issue EHC plans and the variable quality of these plans.
4. Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

Discussion included:

- Members would find it helpful to know what thresholds were being looked at to give a clear direction for the future.
- Key Performance Indicators were being reviewed to reduce milestones, in particular Members referred to the '75% Professionals understand

the arrangements for children and young people with SEND by Sept 2023'.

- Of the 1600 backlog of EHC plans, 300 were waiting for service activity and 1,000 were waiting for school activity.
- Concern at the high number of school exclusions and the need for schools to be fully inclusive to support children with SEN and other needs.
- There was a funded pilot scheme in place to recruit an additional 10 key workers who would be able to provide support to families on the waiting list for an autism assessment, and Officers would report back to the Committee on this.

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

**RESOLVED** that the Children's Scrutiny Committee:

- (a) Welcomes the opportunity to be sighted on the Devon Local Area SEND Improvement Plan and supports the overall aims of the plan.
- (b) Is committed to working with the Cabinet Member, Senior Leaders and partners to meet the aims and goals of the plan to improve services and support for children, young people and families.
- (c) Recognises the huge challenges that this Council and the Local Area faces in improving SEND services, notwithstanding the historic underfunding in Education in the South West and the Council's predicted £127m SEND deficit by the end of this financial year.
- (d) Looks forward to the Cabinet Member and Senior Leaders updating the Committee on the progress of the plan at future meetings.

\* 89

### **Direct Payments Policy and Short Breaks Strategy**

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

**RESOLVED** that this item be deferred to the Children's Standing Overview Group meeting on Tuesday 18 April.

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

The Meeting started at 10.30 am and finished at 1.40 pm



## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 March 2023

### Present:-

Councillors S Randall Johnson (Chair), C Whitton (Vice-Chair), J Bailey, R Chesterton, D Cox, P Crabb, P Maskell, R Scott, M Wrigley, and J Yabsley

### Members attending in accordance with Standing Order 25 (1)

Councillor J McInnes

### Apologies:-

Councillors T Adams, L Hellyer, S Khan, R Peart and D Sellis

### \* 95 Minutes

**RESOLVED** that the Minutes of the Budget and ordinary meetings held on 20 January 2023 be signed as correct records. .

### \* 96 Items Requiring Urgent Attention

No item was raised as a matter of urgency.

### \* 97 Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged representations from Councillor Chris Clarence (Teignbridge District Council), Viv Wilson MBE and Gerald Penney in regard to Item 8; Teignmouth Community Hospital; and

Councillor Terry Elliott (Ilfracombe PC), Catherine Bearfield, Councillor Martin Pearce (Exeter City Council) and Richard Jones in regard to item 9: Integrated Adult Social Care Consultations.

The Speakers in regard to item 8 (Teignmouth Community Hospital) highlighted their concerns relating to the proposals (for a range of reasons) and need to retain services and reinstate in-patient beds at the Teignmouth Community Hospital and they requested that a further referral be made to the Secretary of State for Health and Social Care by reason that it would be in the best interest of health services in the area.

The Speakers in regard to item 9 (Integrated Adult Social Care on consultations on proposed Service Changes) in particular relating to Link Mental Health and Wellbeing Service in Barnstaple, Bideford and Ilfracombe;

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and the Homeless 18+ Prevention Fund and highlighted the local needs and impact of any proposed service changes or change in financial support.

The Chair thanked the Speakers and indicated that their views would be taken into account when the items were considered.

## \* 98 Teignmouth Community Hospital

In accordance with Standing Order 23(2) Councillor M Wrigley had requested that the Committee consider this matter in view of:

- the current situation and the lack of progress in establishing a new health and wellbeing hub since the matter was last considered by this Committee on 21 June 2022; and that not all GP practices in Teignmouth had committed to the relocation;
- the current model of working and capacity issues at the proposed centre; and
- that, in view of the above, a fresh referral should be considered based on the '*best interests of the health service in the area*'.

The Committee's Special Adviser and the Head of Scrutiny outlined the powers of the Independent Reconfiguration Panel (IRP) and process for a referral to the Secretary of State for Health and Social Care. This included the need for gathering of information and development of a case for referral, which must include putting the case for referral to the NHS and consideration of feedback from the NHS before a decision to refer could be made by this Committee.

A local Member referred to the current available evidence and the difficulties at the local Torbay acute hospital due to delayed discharges and that all other local authorities in the Teignmouth locality were calling for the retention of the Community Hospital.

It was **MOVED** by Councillor Wrigley, and **SECONDED** by Councillor D Cox and

**RESOLVED** that a Task Group (Comprising Councillors Wrigley and Cox [and other Members to be confirmed]) be established to gather evidence (in consultation with NHS Devon) in regard to a proposal to make a referral to the Secretary of State on the grounds that the proposal (from the NHS) to close the Community Hospital '*would not be in the interests of the health service in the area*' for report to the next meeting of this Committee on 13 June 2023.

## \* 99 Integrated Adult Social Care Consultations on Proposed Service Changes



(Councillor M Wrigley declared a personal interest by virtue of his membership of the Teignbridge District Council's Executive in so far as this item related to the Homeless 18+ Prevention Fund consultation).

(Councillor J McInnes attended in accordance with 25 (1) and spoke to this item with the consent of the Committee and referred to the ongoing consultation exercise and notification of the proposals to all Members following the Council's annual budget meeting).

The Committee considered the Report from the Chief Officer of Integrated Adult Social Care (Devon County Council) (ACH/23/170) on Integrated Adult Social Care current public consultations in regard to proposed changes to services in Devon in order to achieve the Council's agreed Budget.

Information had been provided on 22 February 2023 to coincide with the launch of five (of the six) public consultations on the Council's '[Have your say | Help shape services across Devon](#)'.

Information had also been provided to all Members on the 9 March when the sixth public consultation had been launched.

The Service had directly targeted communications to those who access the services included in the public consultations, their families, and representatives. The Service had also hosted a number of targeted engagement sessions to which Members had been invited.

The Report set out the six public consultations currently taking place in regard to: (i) Proposed closure of North Devon Link Mental Health and Wellbeing Service in Barnstaple, Bideford and Ilfracombe; (ii) Cessation and reduction of buildings-based day services; (iii) Review of New Treetops and Pine Park House adult respite centres to reduce to a single centre; (iv) Homelessness 18+ prevention: cessation of contribution; (v) Carers contract – financial sustainability plan; and (vi) Wellbeing Exeter: Cessation of contribution.

Members' questions and discussion points with the Director of Integrated Adult Social Care Officers, Deputy Director Integrated Adult Social Care Commissioning; Head of Adult Care Operations and Health and the Director of Legal and Democratic Services included:

- the need for collation of data as part and in addition to the consultation process and need for up to date Impact Assessments relating to the proposals directly and indirectly and assessment of the wider costs across all sectors; and the need for emphasis on prevention of future potential problems and ultimately higher costs;
- assurances by Officers that the needs of clients in regard to the North Devon Link Services; and Day Care respite services for example would continue to be subject to individual assessments and with options for alternative provision, as necessary;

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- confirmation by Officers that following the consultation and analysis of the results, reports would be made to this Committee prior to decision making by Cabinet;
- confirmation by the Director of Legal and Democratic Services that the relevant statutory consultation arrangements and HR policies were in place for the County Council staff involved; and
- any future proposals would align with the Service's vision and strategies and promote partnership working with other authorities and agencies, as appropriate.

It was **MOVED** by Councillor J Bailey, **SECONDED** by Councillor D Cox:

that this Committee

(a) calls for the current consultation to be paused;

(b) calls for (i) detailed costings of the present service and the proposed service and funding to be made available to the Scrutiny Committee which is to include risk of additional costs being passed to third parties including stakeholders; and (ii) a comprehensive consultation strategy setting out the Council's approach including full details of stakeholders and consultees, and how it will ensure it will effectively reach those who are affected, many of whom are vulnerable;

(c) calls for a full and meaningful, and properly costed, consultation of the proposals to be carried out once these points have been addressed.

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

Members noted that reports on the consultation outcomes and options would be made to the 13 June 2023 meeting of this Committee prior to determination by the Cabinet.

## \* 100 Update on Integrated Adult Social Care Vision and Strategies

The Committee noted the Report of the Director for Integrated Adult Social Care (ACH/23/172) on an outline of the process for updating, and current content of, the Integrated Adult Social Care vision and strategies. In particular, it highlighted the opportunities for providing feedback on the draft Integrated Adult Social Care vision and strategies. The Report also highlighted the opportunity for Members to engage with and give feedback on the updating of the Integrated Adult Social Care vision and strategies via [Adult Social Care Vision and Strategies - Have Your Say \(devon.gov.uk\)](https://www.devon.gov.uk/adult-social-care-vision-and-strategies).

Members' discussion points with the Director included:

- the key points of the high level strategies which would be underpinned by more detailed documents, with a focus on prevention and outcomes (including promotion of independence);
- the capacity issues with the County Council and other local authorities and partners;
- partnership working with District Authorities in helping with the development of their local plans and the key question relating to housing and in particular supportive living/extra care provision;
- promotion of independent living with individual integrated care and support plans; and
- the importance of strategic role of Public Health.

The Chair thanked the Officers for their report.

\* 101 **Carers Spotlight Review: A Follow Up**

The Committee considered the Report of the Spotlight Review on a second progress report on Scrutiny recommendations following on from the Committee's 12 March 2020 [Carers Spotlight Review](#).

It was **MOVED** by Councillor R Scott and **SECONDED** by Councillor S Randall Johnson and

**RESOLVED**

(a) that the recommendations detailed in the Follow-up report be commended to the Health System in Devon, subject to Recommendation 1 to read: *that the Committee recognises the invaluable role of replacement care and urges the Council to develop an effective replacement care offer for unpaid carers*; and

(b) that a report back on progress be made to this Committee within 6 months.

\* 102 **System Development and Improvement: Winter Update**

The Committee considered the Report of the Chief Delivery Officer NHS Devon on the winter performance of the health and social care system across Devon mid-way through the season.

The Report outlined the significant challenges, including staff strikes, increased periods of demand and on-going infection prevention and control issues. It also outlined new ways of working that made a real difference to patients by joining up urgent and emergency care (UEC) services.

As part of this work a set of overarching goals for UEC had been developed to set expectations for the health and social care system, and to enable delivery of the improvement programme. System priorities for urgent and emergency care were:

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- Effective navigation
- Same Day Emergency Care
- Ambulance Handover Improvement
- Improving flow through Emergency Departments
- Community Urgent Care
- Access to Primary Care
- Access to Mental Health Services

It was envisaged that delivery of the goals would be achieved through whole system collaboration involving NHS Devon (the Integrated Care Board), the One Devon Partnership, social care partners, Local Care Partnerships (LCP) and Provider Collaboratives, including partners across public services and the third sector.

The Report outlined current performance in: call abandonment, call answering times, ambulance response times, average hours lost to ambulance handover delays per day, adult general and acute type 1 bed occupancy, percentage of beds occupied by patients who were medically ready to go home or to other care settings, such as social care placements; other actions, and social care actions and outcomes including workforce and recruitment, and capacity and demand funding.

Members' discussion points with the Chief Delivery Officer included:

- the continued demand pressures through-out the year (and not just Winter);
- the NHS 2 year plan to address Urgent and Emergency Care to reduce demand with suitable alternatives for sustained improvement;
- plans to reduce elective care waiting times on which more information would be provided to a future meeting;
- the development of a Care Hotel initiative in North Devon;
- whilst urgent and emergency care was predominantly a 7 day/24 hour operation other areas of NHS services (for example diagnostics) were more limited; and
- additional resources to make a sustained improvement in the 111 service with a new service provider.

The Chair thanked the Lead Officer for his report and suggested that Healthwatch could be asked to review the performance of the 111 Service.

\* 103

## **Healthwatch Briefing - Respite and Day Services for People with a Learning Disability**

The Committee noted and approved recommendations (detailed below) by Healthwatch contained in a Briefing Note to this Committee in regard to day and respite care provision for People with a Learning Disability (Minute \*102 refers).

A Member asked that Healthwatch could also be requested to review the consultation process in regard to the 18+ Homelessness Prevent Fund.

Healthwatch recommendations:

(a) that Devon Health and Adult Care Scrutiny Committee seeks reassurance that all families who would be affected by the proposals to reduce day and respite care provision are fully consulted with, before any decision is made to reduce these services, to ensure that all clients with assessed care needs will continue to have their care needs fully met if changes were to be made; and

(b) to note that Healthwatch Devon - who's statutory function is to promote and support the involvement of people in the monitoring, commissioning and provision of local health and social care services - can independently support and help to facilitate the consultation process.

\* 104 **Health and Care General Update**

(Councillor J McInnes attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee and referred to the new Care Quality Assurance framework commencing on 1 April 2023 which would include developing oversight and challenge mechanisms from elected Members and this Committee in particular).

The Committee considered the Joint report from the Council and NHS Devon (ACH/23/158) on the latest news from the Devon Health and Care system. This included updates on the North Devon Link Service, Integrated Adult Social Care 2022/23 budget update as of January 2023; Devon Integrated Care System (ICS) Financial Position as of January 2023; NHS Integrated Care Board (ICB) Financial Position as of January 2023; looking ahead to 2023/24; CQC assurance of adult social care services; and surgical hubs which had won recognition for meeting top clinical and operational standards.

Members' discussion points with the Director and Executive Lead Chief Delivery Officer NHS Devon included:

- the number of people which were being served by Integrated Adult Social Care in excess of the original budget;
- the revised total savings figure as being deliverable in 2022/23, due to pressures on demand and unit costs and other factors;
- the Integrated Care System (ICS) financial position and the forecast for the current year (2022/23) was a deficit of £49.2m which was £31 m more than the planned deficit;
- the requirement for the Integrated Care Board (ICB) to make a 30% real terms reduction in its running costs by 2025/26 with at least 20% being delivered by 2024/25, which whilst challenging was realistic; and confirmation that this did not relate to front-line clinical/care services;

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- strategies to alleviate high risk categories (obesity for example) and the role of primary care on which more information would be provided in future reports; and
- the work of the South West Ambulatory Orthopaedic Centre (SWAOC) at the Nightingale Hospital in Exeter which was one of eight to be awarded accreditation as part of a pilot scheme; and plans to increase the scale and specialisms at the Centre.

The Chair thanked the Officers for their report and commended the successes outlined.

\* 105 **Scrutiny Committee Work Programme**

The Committee noted the current Work Programme subject to inclusion of topics which arose from the meeting. This included the Teignmouth Community Hospital Task Group

[NB: The Scrutiny Work Programme was available on the Council's website at: [Scrutiny Work Programme](#)]

\* 106 **Information Previously Circulated**

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

(a) Dentistry Masterclass Recording & Presentation.

(b) Risk Registers for the respective Scrutiny Committees [Risk Registers - Democracy in Devon](#)

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

The Meeting started at 10.30 am and finished at 1.22 pm

## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

23 March 2023

### Present:-

Councillors A Dewhirst (Chair), C Slade (Vice-Chair), Y Atkinson, J Brook, M Hartnell, J Hodgson, R Radford, J Trail BEM and J Wilton-Love  
M Asvachin (remote).

### Apologies:-

Councillors J Berry, P Bullivant, R Chesterton, P Crabb and I Roome

### Members attending in accordance with Standing Order 25

Councillors A Davis (remote), R Croad, S Hughes, F Letch and A Saywell

\* 99

### Minutes

**RESOLVED** that the Minutes of the meetings held on 20 January 2023 (ordinary and Budget) and of the special meeting on 21 February 2023 be signed as correct records.

\* 100

### Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

\* 101

### Public Participation

There were no oral representations from Members of the Public.

\* 102

### Scrutiny Work Programme

The Head of Scrutiny updated the Committee on the work programme:

- visit to the Holsworthy Anaerobic Digestion Plant Visit on 20 June 2023.
- Masterclass on the annual refresh of the work programme with a provisional date Friday, 26 May 2022.
- Further consideration for the work programme at the annual refresh: (i) performance of Utilities on the highway network (statutory undertakers); (ii) unauthorised/authorised advertising policy on Council property; (iii) loneliness impact/support; and (iv) review of the 20mph implementation/enforcement.

The Work Programme was available at: [Scrutiny Work Programme - Democracy in Devon](#)

# Agenda Item 16.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
23/03/23

\* **103**      **Covid Update**

The Chair reported on an update by the Director of Public Health. The current Covid infection rate remained low and relatively stable, and most up to date information from ONS data indicated an infection rate of approximately 1:50 people.

The number of patients in hospital within Devon had fallen over the past month with the latest figures indicating there were 129 patients in hospital within Devon who have tested positive for covid.

The Health Protection Board and Local Engagement Outbreak Board had been stood down and the Director was no longer providing an update at Team Devon.

The Director of Public Health would however report any significant changes to the Committee.

Members referred to the informative and detailed overview updates provided by the former Chief Executive (and lately by the Director of Public Health) and the need for a wider review on impacts across different demographics and sectors and lessons learnt. This would be added to the topics for consideration as part of the Work Programme.

The Committee agreed to remove the standing update item from future Scrutiny agendas.

\* **104**      **Devon Libraries Update**

(Councillor R Croad attended in accordance with Standing Order 25(1) and spoke with the consent of the Committee and referred to improved lending rates generally and for children and visits overall, increased use of digital books, budgetary pressures, development of a new library in Bideford, and details of a current review of the Mobile Library Service; and Councillor F Letch attended in accordance with Standing Order 25(2) and referred to the excellent library Service in Crediton and the need for a Mobile Service in rural areas and promoted the use of voluntary organisation/services).

The Committee considered the Report of the Head of Communities (SC/23/2) on a Devon Libraries Update produced in collaboration with the Council's provider of Library Services, Libraries Unlimited.

The value of Devon's Library network and how it served local communities was described in an attached reference document Libraries – Case for Support brochure.



The Report covered building back after Covid; the current activities across the library service including Children's services, the Libraries for Life campaign, warm spaces, volunteering, what goes on in the library, financial pressures, looking forward, mobile libraries, investing in library services and the future strategy.

Members' discussion points with the Chief Executive of Devon Libraries and the Communities Business and Commissioning Lead included:

- Members commended the service and the County Council for not closing any libraries since the inception of Libraries Unlimited and the figures relating to increased patronage;
- the revenue and capital cost impact and implications of the aging Mobile Library vehicles fleet (4 vehicles) and forthcoming review and public consultation; and possible measures to mitigate the impact in any decreased services by an improved digital/audio offer (particularly in remote areas), resale of donated books, commercial advertising and other income generation opportunities; and support for the voluntary community libraries and links with community cafes etc, all of which was being considered by the Service and could be referenced in the forthcoming consultation on a review of the Mobile Service;
- the new Bideford library would be ready 2023 with a £1.8m investment creating a modern library and learning space; and
- review of the future libraries commissioning strategy in the autumn this year working closely with Libraries Unlimited, local community organisations and Devon's residents to build a sustainable and thriving range of services into the future.

The Chair thanked the Officers for the positive report.

\* 105

## **Highways Performance Dashboard - Winter 2022/23**

(Councillor S Hughes attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee and gave an overview of the work of the Highways and Traffic Management Service across the last 6 months; and Councillor F Letch attended in accordance with Standing Order 25 (2) and referred to street lighting and promotion of 'dark skies' for wildlife benefits).

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/22) on an overview of the performance of the Highways and Traffic Management Team over the winter period. This covered Reactive Works, Cyclical Operations, Tree Safety Management (including vegetation), the Customer Engagement Project, the Capital programme delivery, Street Lighting and traffic Signals, Carbon Reduction, and Utility Companies working in Devon.

# Agenda Item 16.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
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Members' discussion points with the Deputy Director included:

- the recent announcement by Government of an additional £9.4m funding which had been allocated: carriageways (£5.5m), local area capital programme £1.5m (to be allocated by neighbourhood teams); skid resistance £0.5m; 'A' roads £0.5m; and £1.3m deferred capital schemes from a total national allocation of £200 m for highways maintenance for the financial year 2023-2024;
- the continued pressures in maintenance and consequent managed decline of the network in the short and medium terms; and the reactive nature of works as a result of lack of resources as detailed in the open and frank Highways Infrastructure Asset Management Plan;
- explanation of the priority to the repair of potholes for safety reasons from the safety defects budget (as a first time repair) and difficulties relating to the appertaining weather conditions; and the 5% random inspection of repairs as part of the quality assurance process;
- risk based management approach in terms of Tree Safety Management;
- the inspection process in regard to Utility Works (including fibre ducts on pavements) which included random audits and limited action available to the Authority if issues arose after a 12 month period;
- the local area capital programme (doing what matters) for locally determined priorities;
- despite a RAC report which related to a 40T limit, the generally good condition of bridges in Devon (highest number in Devon nationally [twice as much as the next highest]) and the best nationally;
- the versatile central street light management system and objectives to reduce lighting where appropriate (in consultation with local councils and communities as appropriate) and reduced carbon impact;
- programmed resurfacing works in Halberton (on which more information was requested by the local member); and Member requests that the Gully Cleaning Programme details be split in relation to Exeter and Mid Devon; and that information on the white lining programme be included in the next dashboard report; and that further information on the inspection and findings relating to Shaldon Bridge be made available to the local Member; and
- the impact of climate change on the network including increased levels of water on the highway and importance of maintenance of drainage assets.

The Chair thanked the Officers for the comprehensive report.

\* 106

## **Standing Overview Group (SOG): Highways Asset Management Plan**

The Committee considered the Report of the Corporate Infrastructure and Regulatory Services Scrutiny Committee Standing Overview Group of 8th February 2023. This covered the Highways Infrastructure Asset Management Plan, Strategic Asset Management and the impact of funding challenges.

The SOG had recommended the following to this Committee:

*That the Corporate Infrastructure and Regulatory Services Scrutiny Committee accepts this report as an accurate record of the meeting and makes the following recommendations to Cabinet:*

*(a) that the Highways Infrastructure Asset Management Plan contains further reference to taking opportunities for joint working with districts, towns and parishes on wider aspects of road maintenance such as litter picking; and*

*(b) that a map system to allow councillors to easily identify the maintenance category of Devon roads be developed (alongside the plans to provide councillors with access to the asset condition map).*

It was **MOVED** by Councillor A Dewhirst, **SECONDED** by Councillor C Slade and

**RESOLVED** that the above recommendations be commended to the Cabinet subject to the addition of the following to recommendation (b):

*and that Members be permitted the ability to discuss with Officers the Maintenance hierarchy of roads.*

\* 107

### **Motorhomes Task Group Report**

The Committee considered the Report of the Task Group on the development of a county-wide policy for the provision of longer and short term sites for Recreational Vehicles and Campers.

The Terms of Reference for the Task Group had been:

- To understand the benefits and frictions that surround motor homes.
- To examine the impact of overnight parking on local residential areas
- To examine the above with reference to seafront areas and other tourist destinations throughout the whole area of Devon.
- To consider what a county-wide consistent and clear policy for the provision of longer- and short-term sites for Recreational Vehicles and Campers with associated amenities and services should include, recognising the unique challenges of different areas of the county in developing the policy.

The Chair of the Task Group explained the rationale for the recommendations, complexities and issues involved and that this process represented the first part in policy development.

Members also referred to the good availability and excellent quality of commercial sites in Devon.

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It was **MOVED** by Councillor Hartnell, **SECONDED** by Councillor A Dewhurst and

**RESOLVED** that the Cabinet be requested approve the recommendations and actions with a report against progress to this Committee in 9-12 months' time.

\* 108 **Cost of Living Spotlight Review**

The Committee considered the Report of the Spotlight Review held on Monday 19th December 2022 following a scoping session.

The scope of the review had been:

- To examine the impact of the cost-of-living crisis on Devon residents.
- To gain an understanding of the role of the Council in supporting Devon residents.
- To identify and explore practical solutions that could be implemented by the Council so to reduce this impact and protect those at risk of falling into poverty.
- To examine the impact of the cost-of-living crisis on the provision of Council services.

The Chair of the Review explained the rationale for the recommendations and acknowledged the supportive measures in place as outlined in the report and their limitations in the current period of high inflationary pressures and the impacts on the most vulnerable members of Devon's communities.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor A Dewhurst and

**RESOLVED** that the Cabinet be requested to endorse and act on the recommendations within the Report, with a report against progress of the recommendations to this Committee in 6 months' time.

\* 109 **Modernisation of the Corporate Financial System Spotlight Review Report**

(Councillor A Saywell attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee and referred to the critical importance of the replacement project).

The Committee considered the Report of the Spotlight Review held on Friday 10th February 2023 (following a scoping session).

The Scope of the review was *"to evaluate the Future Finance Project's aims, plans and risks to determine if the approach aligns to our corporate priorities and best value. In particular, focusing on quality, governance, and budget."*

The timing for this Spotlight review was determined by the Council's need for Scrutiny involvement on the future corporate finance system before contracts were awarded. This was expected to be awarded by April 2023. As such, this report had been forwarded straight to Cabinet on 8th March 2023 with this Committee reviewing it at this meeting.

The Chair of the Review explained the rationale for the recommendations and critical nature of the replacement project and that the Review's recommendations had been approved by Cabinet.

A member also referred to the budget allocation for the project which had included a significant contingency.

A review of progress of the project would be undertaken by this Committee's Standing Overview Group (SOG) in three months' time.

It was **MOVED** by Councillor J Hodgson, **SECONDED** by Councillor A Dewhirst and

**RESOLVED** that the recommendations contained in the Report as submitted and approved by the Cabinet, be formally endorsed.

\* 110 **Items Previously Circulated**

The Committee noted the list of information previously circulated to Members since the last meeting, relating to topical developments which had or were currently being considered by this Scrutiny Committee:

(a) Risk Registers for the respective Scrutiny Committees: [Risk Registers - Democracy in Devon](#)

(b) Food Rescue Project – Project Brief.

Members noted that the Risk Registers would help inform the Committee's future work programme (for determination at the annual Masterclass on the programme).

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

The Meeting started at 10.30 am and finished at 1.56 pm





# CHAIR'S REVIEW

# ANNUAL REPORT 2022/2023

Into the second year of the Council, the focus of Scrutiny has been to ensure the right decisions are taken to support improvement and fiscal solvency. Building upon the high number of masterclasses and training opportunities last year, this year has seen a high output in task groups and spotlight reviews.

CIRS Scrutiny has continued to have a Standing Overview Group on Climate Change and has completed work on the cost of living crisis, and set the future direction on moving traffic offences and the replacement of the corporate finance system. Children's Scrutiny completed the Child Friendly Devon Task Group in June and the SEND Task Group in November and continue to closely monitor the improvement journeys of both Children's Social Care and SEND services. Health and Adult Care Scrutiny has continued to seek ongoing public scrutiny of NHS Devon and adult social care, at a time with the former facing significant issues with waiting lists and its finances. In addition Members have undertaken reviews on community pharmacy, unpaid carers and replacement day care.

Scrutiny Chairs express their thanks to all Scrutiny Committee Members, especially those with regular attendance and contribution and particularly highlight the reward of contributing to meaningful scrutiny and policy development. The support of the dedicated Scrutiny team, coupled with the expertise offered by the two special advisors continues to be critical to the success of Scrutiny.

### Councillor Alistair Dewhirst

Chair of the Corporate Infrastructure and Regulatory Services Scrutiny Committee

### Councillor Sara Randall Johnson

Chair of the Health and Adult Care Scrutiny Committee

### Councillor Rob Hannaford

Chair of the Children's Scrutiny Committee

## HIGHLIGHTS



### In person Committee Meetings

- 19 Public meetings, broadcast live
- 76 Reports
- 2 Call-ins
- 13 representations from Members of the public

### Task Groups / Spotlight Reviews

- 10 reports published (see infographics for details)
- 140 witnesses
- 2 new task groups established



### Masterclasses & Standing Overview Groups

- 7 SOG Meetings including dedicated sessions on Ofsted and climate change
- 17 Masterclasses to increase understanding and improve Scrutiny

Agenda Item 17.





Network Operations Control Centre visit for CIRS

Children's Scrutiny has spoken to 26 front line practitioners so far this year, with more visits planned. Members have used this opportunity to thank them for their work and listen to their first hand experience of delivering services.

# HOW HAS SCRUTINY LISTENED & LEARNED?



EXETER COMMUNITY CENTRE

Members of Childrens' Scrutiny after meeting with Devon Young Carers

Page 106

In a continuation of the championing of Carers, Health Scrutiny members spoke to 13 carer ambassadors at Westbank as well as 10 Members of staff at Westbank.

Across their work, Children's Scrutiny heard directly from 24 children and young people and our Members of Youth Parliament (MYP).

44 members of staff responded to the SEND Task Group's staff survey and a further 4 took part in follow up evidence sessions. These were integral to the findings on the pressure on the 0-25 Team and staff capacity.

In response to public representation a Spotlight Review has been set up on Teignmouth Hospital to consider whether there is sufficient evidence to re-refer the matter to the Secretary of State.



Children's Scrutiny taking part in a round robin discussion at County Hall with practitioners from Bridges



# SCRUTINY IMPACT

Following the Spotlight Review on the Ambulance Service, significant progress has been made against Member recommendations including improvements to handovers and response time. The rapid assessment triage model that Members advocated being more widely used across Devon's acute hospitals had for instance been introduced in Barnstaple.



The SEND Task Group Report was used by policy specialists working with the Education Select Committee to prepare MPs for an oral evidence session on the Government's SEND Review.

Health and adult social care performance continues to be closely monitored. NHS Devon faces significant issues with waiting lists and its finances, which members robustly track and challenge. Budget updates from NHS Devon and also ASC are now being presented at each Committee.

CIRS Scrutiny thoroughly reviewed the efficacy of adopting moving traffic offence powers and recommended that the council do so - with considerations for vulnerable people.

**This is now Council policy.**



CIRS Scrutiny reviewed the process and the suggested outcome for the replacement of the Council's financial system. They contributed their views to the Future Finance Project' and galvanised Corporate support for the prioritisation of the project as well as ensuring the timescale is met.

In the budget process, Scrutiny successfully recommended that Cabinet

- increase the spending on highways maintenance and subsequently an extra £2 million was put into drainage and cyclic maintenance (Potholes),
- review Council support to the voluntary and community sector and an extra £100,000 for the Citizens Advice Bureau; and £150,000 for a new Growing Communities Together Programme was included.



**"The local authority's scrutiny committee provides robust challenge to senior leaders".**



>3000 impressions on Scrutiny related tweets



Spotlight review undertaken to look at the cost of living with five recommendations to support people in Devon.

The CIRS Committee have received reports on libraries, food insecurity and the response to the household support as well as the future management of local bus services.

18 health specific items to Committee

**Tackle poverty and inequality**

**Help communities be safe, connected and resilient**

The Children's Scrutiny Committee's work has continued to progress actions against the Action Plan. All of the actions have measurable progress against them.

**Improve health and wellbeing**

**Be ambitious for children and young people**

The Committee published two landmark task group reports in 2022, the Child Friendly Devon Task Group and the SEND Task Group.

**Respond to the climate emergency**

**Support sustainable economic recovery**

The Committee was named as the "driving force" behind the Council's Senior Leaders discussing and looking at the issue of affordable housing for key workers.

Scrutiny has undertaken spotlight reviews on both ambulance wait times, and a review looking at community pharmacy.

CIRS Committee standing overview group has reviewed:

- Review of Devon County Council's Environmental - Policy and 2021 Carbon Footprint Report
- Low Carbon Supply Chain Strategy
- Socioeconomic Impacts on Farming Sector and Carbon Impact of the Waste Management System

Following concerns raised in the budget round Scrutiny has implemented greater financial checks and balances to ensure the realism of future budgets and that savings can be delivered.

CIRS Scrutiny has continued to have oversight of treasury management throughout the year.

# CHILD FRIENDLY DEVON TASK GROUP

CHILDREN'S SCRUTINY COMMITTEE  
JUNE 2022

## SCOPE OF THE REVIEW

The Task Group's aim was to explore and understand the benefits of creating a vision of 'Child Friendly Devon', including:

- To learn how other local authorities have created Child Friendly local areas and the benefits that this approach has brought.
- To listen to local leaders, partners and children and young people and ensure that their voices are reflected in the vision of 'Child Friendly Devon'.
- To set out the initial steps needed for Devon to turn the vision into a reality.

## WHAT DOES CHILD FRIENDLY MEAN?

A 'child friendly' county means putting children and young people at the centre of all what Devon does. This is about ensuring that the voice of the child is part of everything the Council and the County does, including anything new to ensure it is driven by children and young people.

As a County Council, this means that in every decision made, across all services, considers the impact on children, young people and families. As a County, this means we need to listen to children and young people's voice, needs and priorities and ensure they are an integral part of decision making, investments, policies, programmes, actions and services.

## WHAT IS CHILD FRIENDLY DEVON?

As part of the Council's Strategic Plan 2021-2025, the Council has prioritised making Devon the best place to grow up: "We want every child in Devon to have the best outcomes, to live an independent and healthy life and to achieve their full potential".

The vision is an organisational wide commitment across the Council to ensure that the voice of children and young people is at the heart of decision making and how the Council operates.



## WHY DO WE NEED A CHILD FRIENDLY DEVON?

Child Friendly Devon is part of our wider system changes in Devon to ensure the County builds a sustainable future for children and young people, where they are at the centre of all the County does.

- 14.4% (c. 20,000) of children living in Devon aged under 16 are living in relative low-income families.
- 1 in 8 children in Devon are living in poverty with the highest area being the Forches area, Barnstaple (33.3%).
- Devon's Primary and Secondary attainment gaps are above the national average.
- Devon is one of the least socially mobile counties in the United Kingdom, being ranked 2nd worst out of 35 areas for upward occupational mobility.

Child Friendly Devon is a part of the Council's response to our Ofsted rating and our improvement journey. It is the Council's ambition to be an 'Outstanding' local authority. The Child Friendly Devon vision forms a wider transformation programme of work to transform Devon, as a county, as the best place to grow up where children and young people are at the centre of the County and what the Council does.



# EVIDENCE GATHERING

The Task Group met with witnesses on Wednesday 20th April, Tuesday 10th May and Wednesday 11th May 2022 via Teams.

The task group heard from 20 witnesses in these sessions from a range of local authority officers, youth sector organisations, communities organisations, third sector organisations and Members of Youth Parliament (MYP). The Task Group also received written contributions from 4 other local authorities.



## BENEFITS OF CHILD FRIENDLY AREAS

The task group received evidence from local authorities who have set up similar child friendly visions and those who have worked with UNICEF UK.

Some of these benefits to the local areas have been:

- **Leeds:** A reduction in the number of looked after children, a reduction in childhood obesity in Leeds, an increase in foster carers, over 900 businesses signed up to their ambassador network and thousands of pounds worth of donations, gifts, devices and event tickets via the enrichment programme.
- **Liverpool:** Additional investments and funding, improved youth engagement, a wide range of training and events and improved collaboration and information sharing with local universities.
- **Wokingham:** Allowing children and young people and partners to be equal partners in developing their community.
- **UNICEF UK:** The creation of a common framework across the local services and partners, mainstreaming children's rights and improved collaboration.



## RECOMMENDATIONS

1. Members of the Task Group endorse:
  - Child Friendly Devon as the Council's aim to make Devon the best place to grow up and want to see the vision embedded across the County.
  - Our partnership working with Leeds City Council but would like to see the vision adopt elements and embed learning from the UNICEF programme to enhance Child Friendly Devon.
2. The principles that the task group has developed to be adopted as the core Principles of Child Friendly Devon and all subsequent strategies developed with reference to them.
3. All Members of the Council are to see themselves as Child Friendly Devon Member Ambassadors and use their role to champion children and young people and to identify possible Ambassadors in their divisions.
4. The Committee asks the Cabinet Member to have a clear strategy to communicate the intentions and approach of Child Friendly Devon including:
  - A Child Friendly Devon Declaration as part of the vision's launch,
  - A short, easily understandable series of infographics to help communicate the vision and its aims to partners and children and young people.
  - A dedicated website for Child Friendly Devon and children and young people including a rolling list of the signatories of the declaration and ambassadors.
5. To build on the work of the task group, the Committee will actively support the Cabinet Member's roundtable discussions with partners and stakeholders to ensure their views are part of the vision.

## BENEFITS OF CHILD FRIENDLY DEVON

Some of the expected benefits of Child Friendly Devon include:

- By helping families and providing them with the right support at the right time, Devon will reduce the number of children ending up in care.
- Reduction in long term demand on the NHS in Devon.
- Schools being able to focus on learning rather than having to plug gaps in support services.
- Child friendly local businesses will create opportunities and independence for young people
- Increase our number of foster carers and provide more children with a loving home and new opportunities.
- Devon will attract the best professionals in teaching, social care, health care and the wider children's workforce to work in Devon.
- Devon will grow our communities and create a sustainable economy where families work, live and spend locally.



# PRINCIPLES OF CHILD FRIENDLY DEVON

- At the heart of the vision, we must guarantee that everything we do improves the lives of children, young people and families in Devon.
- Children and young people should be encouraged to go as far as their talents can take them.

Improved outcomes for children and young people



- Child Friendly Devon needs all of us to work together in order to succeed and embed the vision across both the public sector, private sector and third sector.

Partnership working



- The voice, views and lived experience of children, young people and families are embedded in all we do and central to decision making.
- Children and young people's concerns are not only listened to but acted on.

Listening to children and young people



- Investment in a Child Friendly Devon 'team' and resources to lead the vision on a day-to-day basis, engage with children and young people and develop the vision's brand.

Resources



- All elected Members, as community leaders, to engage with Child Friendly Devon and champion children and young people in their local areas.
- All elected Members must consider children and young people in the decision making process.

Role of elected Members



- A network of Child Friendly Devon Ambassadors from across the public and private sectors to drive forward the vision, promote the vision and provide opportunities for children and young people.

Ambassador Network



The Committee asked for initial progress of the vision, progress against the strategic plan and progress against the recommendations be reported back to Committee by June 2023 via a Child Friendly Devon Annual Report.

The Task Group's Members were Councillors Rob Hannaford (Chair), Philip Sanders (Vice Chair), Su Aves, Phil Bullivant, Christine Channon, George Gribble, Jonathan Hawkins, Frank Letch, Lois Samuel, Margaret Squires and Jeffrey Wilton-Love.



# Community Pharmacy Spotlight review

Health and Adult  
Care Scrutiny

January 2023

Committee commissioned this review because of patients experiencing a disruption to the pharmacy services last summer in several parts of North and East Devon. There were unplanned closures, when collecting prescriptions, people experienced lengthy queues to be served and delays with repeat prescription being dispensed. Members were mindful that these may be part of wider issues effecting community pharmacy provision across Devon, which needed to be explored. The Committee understood the rural nature of the County presents a challenge to delivering health and care services particularly where exacerbated by staff shortages, but there was a need to examine where the gaps in provision are and explore measures to alleviate the problems.

## Scope of the Review

- 1. To bring together stakeholders of, and representatives from, community pharmacy to explore and highlight the challenging issues that are impacting on peoples experience and interaction with community pharmacy, and ultimately their health and wellbeing.
- 2. To undertake this work to support the Devon Health and Care System and to ensure that the views of the communities it represents are heard.
- 3. To explore the challenges being faced by community pharmacy and the impact of behaviours within communities.
- 4. To understand where gaps in community pharmacy provision may be in the County and possible measures to address these. .

More than **58 million informal healthcare consultations are provided by pharmacists every year.**

A recent study showed Devon pharmacies provide an average of 19 per pharmacy per day. This is above the national average.

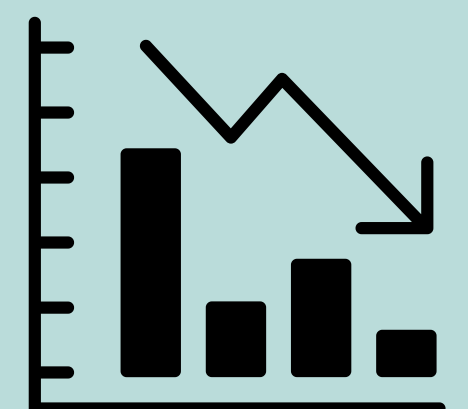


Informal consultations provided by pharmacists and their teams **save more than 24 million GP appointments every year.**



If the community pharmacy had not been there, **50% of patients reported they would have visited their GP, resulting in an additional 74 appointments in each GP practice each week in England.**

Real terms funding is reducing year on year as inflationary pressures are not taken into account in the current contract (2019 - 2024). Pharmacies are currently making significant efficiency savings (approximately 37% to 50%) in order to manage this funding squeeze; increase in demand for clinical services, the shrinking funding envelope, and general economic inflationary pressures.



- **91% of pharmacies are experiencing staff shortages**
- **Nine out of ten pharmacy teams have seen a significant increase in phone calls from patients about prescriptions, and 86% reported a rise in requests for healthcare advice**
- **82% said that increased workplace pressures are negatively affecting their mental health and wellbeing.**



# How does Community Pharmacy work?

Community pharmacy makes up one of the four pillars of the primary care system in England, along with general practice, optical services and dentistry. It is arguably most well-known as a dispenser and retailer of medicines, but its role is in fact much broader and includes other NHS and publicly funded services.

The community pharmacy contractual framework with the NHS outlines three types of services:

- Essential services

These are the nationally set, mandatory services that community pharmacies must provide as part of their contract with the NHS if they are to operate providing NHS services. It includes the dispensing of medicines and medical appliances, the disposal of unwanted or spare medicines, advising patients on self-care, providing advice on healthy living and providing medicines support following a hospital discharge.



- Enhanced services

these are optional services such as anticoagulation services. In addition to these nationally determined services, community pharmacies can also be contracted to provide locally commissioned services – like enhanced services, these are commissioned by public bodies, including Public Health, Integrated Care System or local authorities, to meet the needs of particular local populations outside the nationally set and specified services. Examples of local commissioning from community pharmacies includes sexual health services, needle and syringe exchange services, or smoking cessation services.



- Advanced services

These are optional services that pharmacies can choose to provide. They are nationally set and specified, and the option to provide them is open to all community pharmacies, provided they meet certain minimum requirements. The advanced services currently commissioned through the contract framework include flu vaccination, the New Medicine Service (which aims to help patients understand and make best use of a newly prescribed medicine), and the Community Pharmacist Consultation Service (which allows certain other parts of the health system to refer patients to community pharmacy for some urgent care needs like emergency medicines supply and as well as for some minor illness needs)

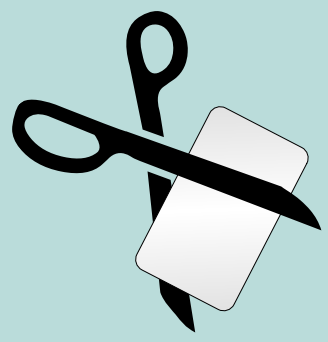


All pharmacies need a responsible pharmacist on site at all times to meet safety, legal and other requirements. Where this is not an owner, it must be another suitably qualified registered pharmacist.



# Findings

Improving patient outcomes is essential. There is however a workforce crisis currently in community pharmacy. There have been worsening recruitment and retention issues due to a combination of community pharmacy role expansion along with difficulties relating to public perception and behaviours.



## System Pressure

There has been a long-term attrition of 30% real term funding cuts over the past seven years which is leading to serious degradation of services to patients

## Workforce

The community pharmacy sector is in the midst of a workforce crisis. The impact on staff in terms of stress and wellbeing through the pandemic was unrelenting. There were challenges already both in Devon and nationally prior to Covid -19 and the situation has worsened. Brexit was reported to have impacted workforce numbers and recruitment.



The Community Pharmacy Contractual Framework has placed a greater onus on community pharmacies offering a wider range of services such as blood pressure testing and weight management services.



91% of pharmacy business owners/head office representatives and 82% of pharmacy team members said their pharmacies were experiencing staff shortages, with 23% of owners/head office representatives reporting that their pharmacy had been required to close temporarily.



There is a shortage of pharmacists and technicians (400-500 pharmacist deficit in the South West with a 14% vacancy rate in community pharmacy compared to a rate of 8% nationally).

## Communication with the public

In some parts of the County, community pharmacy staff have had to contend with increasing levels of abuse, threats and aggression due to disaffection about the quality and timeliness of service provision. There have been instances where security guards have had to be deployed in pharmacies and staff have had to wear body cameras.



## Repeat prescriptions

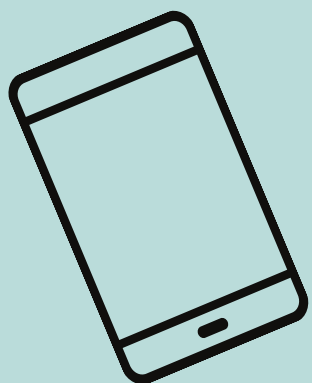
While it is clearly advantageous that prescriptions are now entirely electronic, members described numerous accounts from local residents reporting difficulties with ordering repeat prescriptions. A lack of IT skills was a barrier for some people being able to order repeat prescriptions online and care needs to be given to alternative approaches for those individuals to avoid them being marginalised.

## Working with General Practice

Friction was reported at times between GP practices and pharmacies. Commissioning leaders needs to be clear what GPs are doing and what is the responsibility of community pharmacy.

## Expanding use of the NHS App

It was evident that there is an issue where a GP advises that a prescription is ready to be collected and people turn at their pharmacy to find this not the case. Members suggested using the NHS app to notify people when their prescription is ready, and it could be tailored to give updates in the way that parcel services do



## Witnesses to the Task Group

The Spotlight Review took place virtually on 17th October 2022

There were fifteen witnesses from nine organisations. This included the local pharmaceutical committee, pharmacies in Devon, HealthWatch, regional and local NHS, as well as public health in Devon County Council.

Data collected included witness interviews and the use of secondary evidence.



# Recommendations

## Recommendation 1

That a new Devon communication strategy and campaign is developed to improve public awareness and perception of community pharmacy, which signposts the appropriate pathway in terms of accessing community pharmacy, GP and acute care.

## Recommendation 5

That work is undertaken with NHS England and NHS Improvement to develop the NHS App to introduce notifications including SMS texts when a prescription is ready to be collected.  
Other alternative technologies should be encouraged to provide multi-choice IT interface routes for ordering repeat prescriptions.

## Recommendation 2

That commissioners work with the Practice Plus Group to improve both the level and the appropriateness of NHS 111 referrals to community pharmacy.

## Recommendation 4

That long term investment is needed in training and progression opportunities for community pharmacy and across all areas of health and social care. That this includes use of bursaries, work experience and the delivery of regular health and social care careers days, which include a specific focus on community pharmacy.

## Recommendation 3

That all organisations work together to promote the establishment of a pharmacy school in the County to ensure that Devon and the far South West develops its own pharmacists and pharmacy technicians.

Devon needs more pharmacists and pharmaceutical technicians working in the County to support the increase in demand with the population growth. The demographic profile of the County is a result of the expanding population with people living longer. Statistically a quarter of the population have long term conditions, and a further quarter of those aged over 60 have two or more medical conditions. So, demand will continue to grow. Community pharmacies play a vital role embedded in our localities and are a valued and frequently first port of call when we need health care advice or medicines.



# COST OF LIVING SPOTLIGHT REVIEW

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

MARCH 2023

## BACKGROUND

Members of the Council expressed their concern for vulnerable residents following the sharp increase in the cost-of-living experienced since the Coronavirus pandemic and through to 2022-23. All scrutiny members were invited to participate in the Spotlight Review in recognition of the **wide ranging impact** of the cost-of-living crisis.

The focus of the review was to gain a snapshot of the challenges facing both residents in Devon and actions that the Council is currently taking to support them, as well as understanding what the Council as a large local employer can and is doing to support its own staff.

## THE NATIONAL CONTEXT

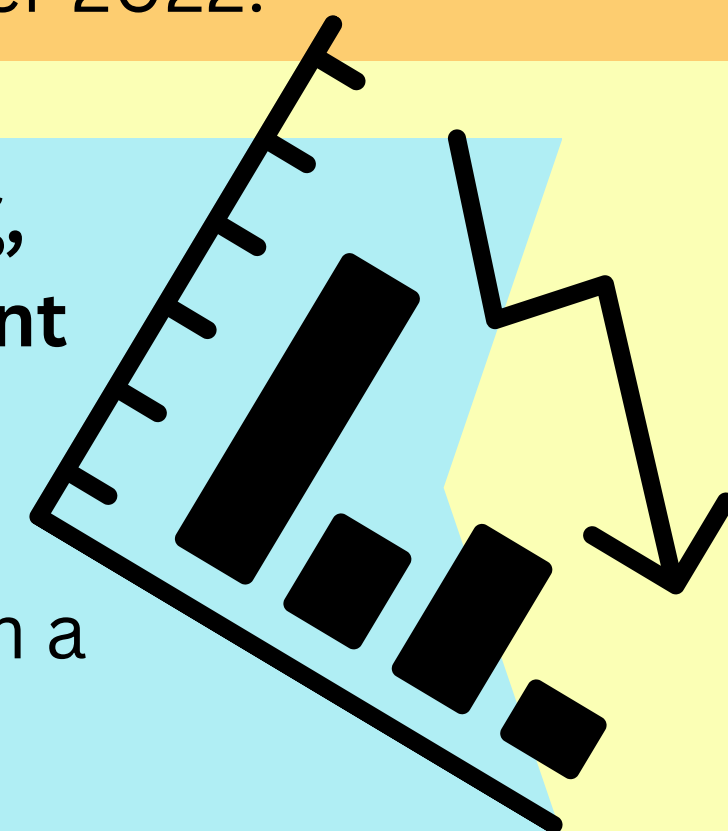
Energy prices (gas and electricity) had risen rapidly with the **Ofgem price cap at £4,279** as at December 2022 (versus £1,137 when it was introduced in January 2019) and the **energy bill support scheme due to end from April 2023**. Petrol prices had also risen a very high amount.



In addition to energy pressures, the **price of food had increased** with **staples such as pasta and milk** having risen in price by **over one-third** from November 2021 to November 2022.

Factors such as these had **combined to create a crisis of living, with UK residents being 'squeezed' from both sides by stagnant wages and increased prices.**

A statista survey in January 2023 reported that **92% of UK households were seeing an increase in their cost of living** from a year prior.



At the time of the spotlight review, inflation was at 9.2%, the highest levels since the 1980s. This added another layer of concern to the crisis, with (on the current trajectory) **wages chasing prices, but lagging behind severely.**

# FINDINGS: WHAT DOES THIS MEAN FOR DEVON?



- **Devon's fuel poverty is 13%** (vs. UK average of 10.6%), i.e. people cannot afford adequate heating without falling below the poverty line. Devon houses often have **less modern heating systems**.
- **Changing poverty landscape** with fuel poverty particularly impacting rural / northern coastal area. **Urban areas are still heavily impacted** overall as expected in line with previous crises.

Research by Public Health uncovered the stark reality of the crisis in Devon:

- **food insecurity levels in Devon had increased** from 17% in March/April 2021 to 29% in September/October 2022;
- the **overall proportion of Devon households who had accessed emergency food support** in the past 30 days (at the time of the research) had **more than doubled** (5%, up from 2% from the same research in 2021).
- there is a **strong interrelation between food poverty and fuel poverty** with 80-90% of households experiencing food insecurity also experiencing fuel insecurity



The hardest hit residents include those on low-income, disabled people and those with children.

## CONCERNS FROM THE VOLUNTARY AND COMMUNITY SECTOR

### These included:

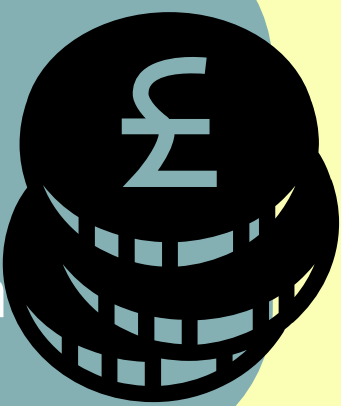
- the social and financial impact of the cost-of-living crisis on those with protected characteristics;
- inadequate funding from government for their work to continue;
- volunteer burnout;
- volunteer apathy (with the cost-of-living crisis being seen as the fault of political actors);
- scope for improvements of collaborative, cross-sector working in addressing the crisis.



## DEVON COUNTY COUNCIL STAFF

The Spotlight Review heard that **more DCC staff were having to use food banks**; and that some staff, particularly those such as social workers, were **unable to afford fuel** near the end of the month and were having to schedule appointments to consider this.

In November 2022, Devon County Council warned that **spending cuts would be inevitable without help from Westminster** (BBC News).





# FINDINGS: WHAT SUPPORT IS THERE?

There was **£37 billion of government funding nationally in 2022** with further Cost of Living payments into 2022 and 2023 announced. **65%** has gone to those most vulnerable in the bottom quartile. The Department for Work and Pensions has given **£15 million** under the Household Support Fund to Devon from in 2021-22 with an **additional £10.1 million** pledged from April 2023.

**Council Tax** represents the **largest single source of income** for the County Council with the authority's situation necessitating increases. However **in recognition of the impact of price rises on residents**, all districts had implemented Council Tax reduction schemes usually based on income and Council Tax band to alleviate the financial concerns of the most vulnerable. The maximum possible discount ranged from **75% to 100%**.

The **Voluntary and Community Sector** is ever-present in supporting those most vulnerable, or with protected characteristics; or people who are generally suffering. Much of their work is done **in conjunction with Devon County Council** who support their role as well as being vital in allocation of funds. Organisations such as **Citizens Advice** are there to support people with a wide range of concerns and can for instance **assist with applications** for benefits or **signpost people to other support**.

The Spotlight Review heard of the importance of work that builds **long-term community resilience which** is more effective than **reactive funding in reducing the impact of crises**.

## RECOMMENDATIONS

The Spotlight Review made the following recommendations, asking for a report against progress in 6 months' time:

	Intention	Recommendation
1.	Ensure that people and organisations who are eligible are making use of resources they are entitled to.	a. All Councillors to have a resource list and to be invited to subscribe to Devon Funding News to keep up to date on available resources. b. Wider and regular publicity of the Household Support Fund (HSF)
2.	The Council champions the wellbeing of Council employees.	Write to the LGA to join the lobbying for a local government discount card, similar to the Blue Light scheme for health and social care workers, for all Devon County Council staff in recognition of their valuable role in society.
3.	The Council supports partners in their efforts to help vulnerable people.	That the Council writes to Districts to identify if there is scope to align council tax reduction schemes across Devon.
4.	To help alleviate the energy crisis.	That the councils ask Government to intervene and reduce the energy price cap at the end of March.
5.	To alleviate poverty	Ask Government to review the current mechanisms for supporting those in need.





# MODERNISATION OF THE CORPORATE FINANCE SYSTEM

CIRS Scrutiny Committee

March 2023

## Background

This Spotlight Review was established following the masterclass session on Friday 20th May 2022 setting the Scrutiny Work programme for the municipal year. The Council's current corporate financial system, FINEST, has been in place since December 1994. The platform that runs the system is being wound down in December 2024. FINEST is outdated, functionally limited and currently creates a risk to the Council's ICT infrastructure. This means the Council needs to move to another system with enough time for implementation and one that aligns to the Council's ICT strategy.

### Scope of the review

Scrutiny Councillors were asked to evaluate the Future Finance Project's aims, plans and risks to determine if the approach aligns to our corporate priorities and best value. In particular, focusing on quality, governance, and budget.



DCC's corporate finance system underpins £1.6bn worth of spending.



Cabinet agreed a £6.5m budget to replace FINEST, met from reserves.



DCC has been using FINEST since 1994.



FINEST's platform is discontinued on 31st December 2024.

## Replacement of FINEST

With the platform (AIX) being discontinued on 31st December 2024, it leaves the Council in a position where it has no choice but to replace FINEST. This is because there is significant risk in trying to transfer the program to another platform and it would be an unacceptable risk to the authority to continue to use FINEST with no platform. Devon County Council is the only known FINEST client left in the UK.

FINEST is functionally limited, reliant on manual processes and the coding of the system is now outdated.

The replacement of FINEST presents an opportunity for DCC to move to an existing cloud based system with more functionality and lead to the wider transformation of financial information for the Council.



# Evaluation of the Future Finance Project

## Strengths

The project will procure a cloud-based finance system based on an “adopt not adapt” principle. This means that the Council would procure a system from a known supplier which already exists and offset some of the risks in maintaining and upgrading the system.

A cloud-based finance system would be compatible with the Council's Digital and Technology Strategy and existing ICT infrastructure.

The project is taking a cross-Council view and seeking to take into consideration the lessons learnt from previous IT system implementations.

The project team has also been in contact with other teams on their experiences on getting staff engaged in projects across the Council and ‘champions’ roles. There is already an ‘Advocates’ group of around 50 members of staff committed to the project.

Software exists which can support the transition by being able to see if the old and new systems reconcile and allow the Council to track the performance of the system.

## Weaknesses

While supporting the ‘adopt not adapt’, it means that the Council cannot customise its future software system and instead will “take something off the shelf”. This will mean that there will be compromises in what the Council's requirements are against what current systems can offer.

## Opportunities

One of the immediate benefits of a new, modern system is the increased dynamism of the finance team and the efficiencies that could be found. A number of processes will be made redundant and there will be a reduction in manual tasks and improved productivity for staff.

In the longer term, there may be some long-term savings to realise efficiencies brought about by the modern system although this is not a priority for the present project.

A cloud-based finance system will allow budget holders to be able to access more information about their budgets. This will increase the use of self-service within Finance and allow for budget holders to look through some of the detail themselves.

A new system presents a number of cultural opportunities for leaders and managers. There is a potential for a longer term transformation about how the Council embeds financial leadership rather than just seeing finance as “accounting”. This will involve looking at how the Council spends money, making strategic decisions, scrutinising the public value of spending and challenging and supporting the organisation to do this.

Members too could be users of the new system and the new system could improve Members' access to financial information and the Finance team to help them understand and scrutinise the Council's financial position and budgets, should Members wish to gain access to the system.

The new system will have additional modules that can be added if needed to acquire new functionality if the Council's structures change. This is one of the advantages of cloud-based system: being able to scale up or down. This means that the system can grow and evolve with the organisation should internal or external structures change.

## Threats

There is a very tight timetable to implement a new system. The Council has one year in its project plan to move off FINEST by April 2024 to have an 8-month post-implementation period.

The project cannot afford to run over time wise, as the current timescales are just about realistic, and the project can't go beyond 31st December 2024.

A threat to the project is the sheer scale of the work that is involved to get the organisation ready to implement a new piece of software. Implementing new systems is complex and requires a large amount of due diligence.

Without the correct resources at the right time, timescales and deadlines could slip and this could leave the authority in an unacceptable position.

Members were concerned that not enough data cleansing work was being completed currently and Officers were aware of some gaps and some repetition in the data that needs cleansing.

Members were concerned about the security of any new system and how the Council can ensure that it is secure. Moore Insights highlighted that cloud systems are very well protected.

There will be a cost to the authority to store records securely from FINEST. Witnesses stated that the project is reviewing storage through the data migration strategy to fit into legal timescales and how much data we need to keep.

The Spotlight Review heard that the biggest risk to the authority and the project is incomplete financial data to back up records should something go wrong. Whilst there is a low probability of this happening, it would have a very high impact. Advice sought from Moore Insight was to recommend to build up a local archive of financial data every day.



# Conclusions

The Spotlight Review supports the aims and vision of the Future Finance Project and believes that there is a clear opportunity for the Council with the replacement of FINEST to modernise and transform the Council's systems and use of financial data.

Members of the Spotlight Review articulated their experience of previous finance systems and implementations and were pleased to see that the project was drawing upon the experiences of other teams to learn lessons from previous systems.

There are a number of threats and challenges to the project which could be critical to the success of the project. However, Members were assured that witnesses across the Spotlight Review understood the risks of the project and that appropriate mitigations were in place.

Members understood that projects of this size inevitably carry risks for the authority but recognise the advice that the current risks to the authority with FINEST are higher than risks associated with the procurement and implementation of a new system,

The Spotlight Review wishes to impress on the Cabinet and Council the urgency of this project. Any delays past December 2024 would be unacceptable and severely damage the reputation of the Council.

## Recommendations

- 1. The Spotlight Review supports the aims and vision of the Future Finance Project and requests Cabinet maintain corporate prioritisation of the project until at least December 2024.**
- 2. That the Cabinet ensures there is sufficient staffing and resources for the delivery of the project and is prepared, if required, to increase the number of officers supporting the project to ensure smooth delivery.**
- 3. The service considers the creation of a local archive of financial data in case of a potential breach or malfunction as part of Disaster Recovery and Business Continuity planning as FINEST gets closer to the end of its life, as per the recommendation from Moore Insight.**
- 4. That a Standing Overview Group (SOG) of the Corporate Infrastructure and Regulatory Services Scrutiny Committee is held around 3 months after the awarding of the contract to review the Future Finance Project and these recommendations.**

The spotlight review's members were Councillors Jacqi Hodgson (Chair), Alistair Dewhirst and Jeffrey Trail BEM.





# MOTORHOMES TASK GROUP

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES

SCRUTINY COMMITTEE, MARCH 2023

22 JULY 2022

The East Devon Highways and Traffic Orders Committee asks the Corporate Infrastructure and Regulatory Services Committee to look into the policy around and provision for motorhome and caravan users. This was in response to local concerns about improper use of facilities by users of these vehicles.

22 SEPTEMBER 2022

The Scrutiny Committee resolved that a Task Group be set up "to consider a county-wide policy for the provision of longer and short term sites for Recreational Vehicles and Campers." This would consist of Councillor Trail as Chair, with Councillors Bullivant, Dewhirst, Hartnell and Roome as members.

## The Scope

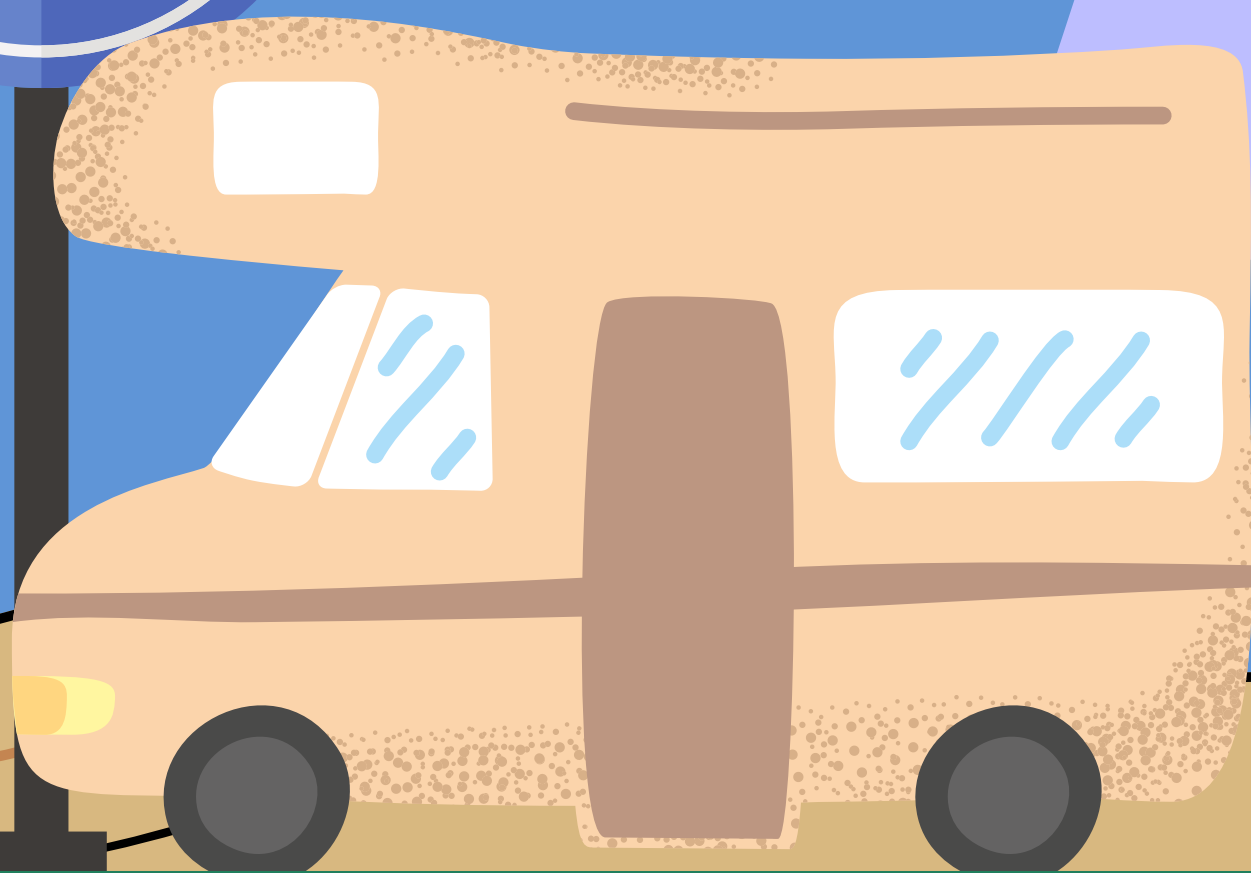
The Terms of Reference for the task group were:

- To understand the benefits and frictions that surround motor homes.
- To examine the impact of overnight parking on local residential areas
- To examine the above with reference to seafront areas and other tourist destinations throughout the whole area of Devon.
- To consider what a county-wide consistent and clear policy for the provision of longer- and short-term sites for Recreational Vehicles and Campers with associated amenities and services should include, recognising the unique challenges of different areas of the county in developing the policy.

## Aim and Methodology

The group wanted to explore opportunities for the County Council to support motorhome visitors and residents. Members were keen to understand what regulations could be considered for implementation and the challenges of enforcement.

The Task Group met four times, with officers and members undertaking their own individual research. A number of witnesses were invited to these meetings, or to contribute information for consideration by the task group, including Devon County Council staff, officers from district authorities and wider organisations such as The Caravan Club.





# FINDINGS

These are some of the key points that came out of the Task Group:

## CHANGING DEFINITIONS

At the time of the Task Group's formation, a motorhome was defined as a vehicle with **living accommodation that has been permanently installed**. This was a barrier for enforcement of restrictions, where for instance a van with a mattress in the back, which was being used in much the same manner as an 'official' motorhome, was not subject to the same restrictions.

## THE LOCAL VIEW

It was clear from talking to officers from district councils that **much work has already gone on in this area**. All of them had developed their own approach to motorhomes, which broadly consisted of providing them car parks for maximum two-nights overnight stay, expecting that they would move to dedicated campsites after this. Districts were clear that **they were not competing with campsites**, nor would they wish to provide the kinds of facilities (showers, charging points) that a motorhome user could access at a dedicated site.

## CHASING THE PROBLEM

Some local concerns are around unsightly parking of motorhomes such as on residential streets. Addressing this is complex; where a motorhome is parking there legally, there is little that can be done, and implementing restrictions may only serve to **'move the problem along'** and means the Council is left **'chasing' these motorists via costly Traffic Regulation Orders** which represents a **massive maintenance liability and effort**, probably disproportionate to the problem. Where they are parking illegally, enforcement becomes the key area of focus.

## ENFORCEMENT

Where motorists were contravening regulations already, **further regulations would be redundant**. The issue therefore becomes enforcement of existing restrictions - and how to prevent users avoiding punishment by circumventing parking restrictions, for instance parking late at night and leaving early in the morning.



# RECOMMENDATIONS

## RECOMMENDATION ONE

Write to invite District Councils to review their policy on motorhomes and motor caravans in liaison with one another to ensure that there is a consistent approach across the County.

## RECOMMENDATION TWO

Devon County Council, in partnership with District Councils to dedicate a webpage to provide clear and accessible information for motorhome users including outlining parking restrictions, good practice and available off street facilities.

## RECOMMENDATION THREE

The Council's definition of motorhomes / motor caravans within its Traffic Regulation Order be reviewed to more appropriately reflect current parking practices and enable consistent enforcement of rules with regards to vehicles being used in the manner of a motorhome (but which have not been permanently converted).

## RECOMMENDATION FOUR

The Council adopts a consistent approach to managing parking for motorhomes and motor caravans for areas that it controls, , to allow for consistent enforcement and clarity for motorhome users. This would include consistent times for restrictions to apply. This would typically focus on key destinations such as seafront locations.





# MOVING TRAFFIC OFFENCES (MTOs) SPOTLIGHT REVIEW

## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE, JULY 2022

### BACKGROUND

Previously, the monitoring and enforcement of Moving Traffic Offences fell under the remit of Devon and Cornwall Police. In light of the government allowing local authorities to apply for these powers from 31st May 2022, the CIRS Scrutiny Committee commissioned a Spotlight Review to decide whether or not Devon County Council should adopt these powers.

### THE SPOTLIGHT REVIEW

We invited the views of and attendance from a number of individuals and organisations, including Traffic for London (TfL) and Cardiff City Council, who manage their own MTOs; Devon and Cornwall Police; and the AA and the RAC. The Spotlight Review took place on 4th July 2022 where all the evidence was considered.

### WHAT IS A MOVING TRAFFIC OFFENCE?

'Moving Traffic Offence' essentially covers any banned manoeuvre that you can make prohibited by local signage or road markings.

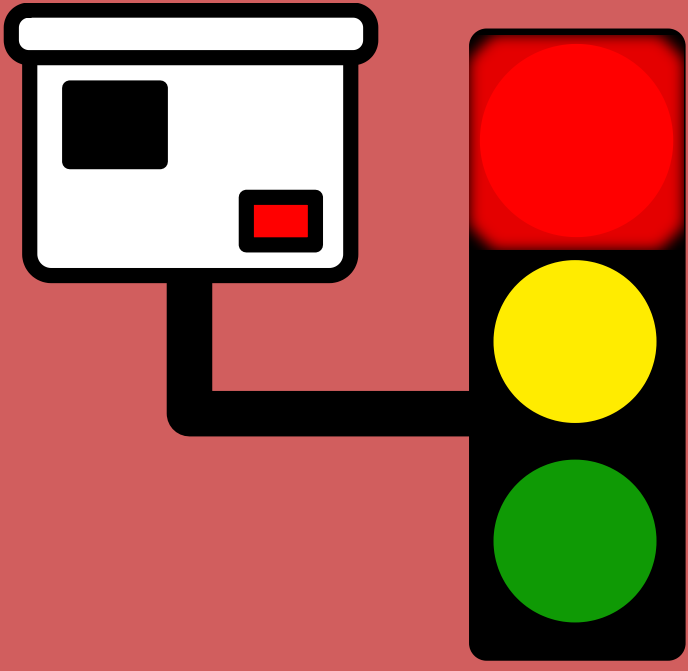
These include, but are not limited to:

- Banned turns
- Driving through a no entry; or the wrong way down a one way street
- Blocking a yellow box junction
- Driving in a bus lane





# THE SPOTLIGHT REVIEW'S FINDINGS



## WE CAN BUILD IT. WE HAVE THE TECHNOLOGY.

There is already an **extensive camera network** used by Devon and Cornwall Police for speed- and traffic light-related contraventions that could be used for MTOs. The Police also run **operation SNAP**, which allows members of the public to submit video footage of motorist contraventions (submissions to which have been steadily rising), opening possibilities for collaboration.

We also learned from Traffic for London that the technology is developing, and that TfL had recently started using **moveable, 4G-ready cameras** that can be set up at a **nominal cost** (a few thousand pounds) in comparison to the expensive old stationery cameras which require broadband cabling and significant up-front cost (up to £250,000 including line rental).

## NOT JUST PREOCCUPIED WITH IF WE COULD.

## WE THOUGHT ABOUT IF WE SHOULD...

Statistics from Devon and Cornwall Police demonstrated that **failing to look or distractions inside/outside vehicle** contributed to 37% of fatal collisions in 2021. Given that the enforcement of MTOs is designed to prevent drivers getting into these dangerous, high-risk situations in the first place, **the Council taking on responsibility could make roads safer!**

In London, any money that TfL make from their MTO enforcements is **reinvested into roads**. In fact it is a **statutory requirement** that any surplus made from Penalty Charge Notices (PCNs) must be used towards **roads, public transport or environmental improvements**.

## BALANCING SAFETY AND MOTORIST FINANCIAL CONCERNS

Both the AA and the RAC raised concerns about **incorrect enforcement of MTOs**, and that Penalty Charge Notices could **put people into financial difficulty**. The AA provided evidence from a survey they had run that showed that **at least 25% of motorists who received a PCN did not believe it was justified, but paid anyway due to financial concerns**. It was clear to the Spotlight Review that options to **financially support** these motorists in paying without going into financial difficulty **must be explored**, such as **deferred or phased payment**.

Councillors were clear about implementing a **transparent appeals system**, which was one of the AA's primary concerns. For the first six months of any penalty zone motorists will also receive a **warning for their first contravention** before any financial penalties are issued.

The conclusion to the report highlights the need for a **common-sense approach that does not lead to disproportionate burden on motorists for minor misdemeanours**.





# RECOMMENDATIONS

**1) Devon County Council (DCC) to apply to enforce Moving Traffic Offenses (MTOs)**

**2) Devon County Council to be explicit in the communication of the adoption of the MTO powers:**

- a. To include rationale based upon safety and movement of traffic in congested areas
- b. Regular communications on Social Media about the roll out of the powers and areas that will be enforced as well as updates on appeals upheld
- c. A report to come to Committee one year after the introduction of the powers for Councillors to review the number of contraventions captured, and number of appeals (including those upheld)

**3) DCC to implement the policy which includes:**

- a. Local Councillors to be made aware of any new MTO enforcement in their constituency.
- b. Only issue one Penalty Charge Notice per location, per vehicle, per day.
- c. New enforcement areas to be issued with warning notices for six months for first time moving traffic contraventions rather than penalty charges.
- d. New Traffic management initiatives to include information to the local community about how they will be enforced.
- e. Exploration of ways in which individuals who cannot afford to pay, may do so over an extended period or deferred payment.
- f. That communication of enforcement of moving traffic violations is explicit in the support available for people who are vulnerable, in line with the existing policy for parking debt, making it clear about how to access support.

**4) Devon County Council Highways Officers to explore work with Town and Parish Councils with monitoring and enforcement of MTOs, using existing cameras.**

**5) DCC to further explore opportunities with the Police to link Council enforcement of MTOs with Operation SNAP including supporting members of the public to report offenses.**

**6) Devon County Council to Lobby Devon MPs to make amendments to the legislation/policy on MTOs to allow Councils to offer education instead of a fine to motorists who commit moving traffic offenses.**



# REPLACEMENT DAY CARE SERVICE SITE VISITS

HEALTH AND ADULT CARE SCRUTINY COMMITTEE  
JANUARY 2023

## BACKGROUND

Councillors wanted to get a first-hand account from staff of where the system is working well, how supported they feel and where there may be issues of concern. Members wanted to get a better understanding of the way in which the model of care in Devon is working operationally and the key issues affecting services from a frontline perspective.

## CURRENT SITUATION

Across the County the demand for DCC in-house, long-term buildings-based day services has reduced. This was the direction of travel for these services before the pandemic and the pandemic has accelerated these changes as people made and continue to make alternative choices in how they wanted to live their lives.

In some circumstances the reduction in people attending is so low that it can be seen as further isolating individuals rather than providing a social experience for them. Work has been ongoing to develop individuals' skills and promote their independence, both with existing service users and as part of the preparation for adulthood work with younger people, which has also reduced the need for such buildings-based provision. Likewise, where there has been identified need for support to prevent carer breakdown in the form of replacement care, this has been sourced from across the wider market for adult social care as a longterm alternative solution.

### RUSHBROOK, TOTNES



### NICHOLS, EXETER



### ABBEY RISE, TAVISTOCK



### ROSALIND, TIVERTON



PEOPLE RECEIVING  
SUPPORT (JULY  
2022)

7 PEOPLE

5 PEOPLE

5 PEOPLE

2 PEOPLE

MAXIMUM NUMBER  
OF PEOPLE  
SUPPORTED PER DAY

3 PEOPLE

4 PEOPLE

3 PEOPLE

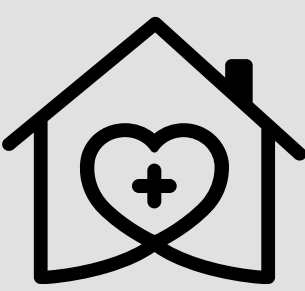
2 PEOPLE

## MEMBER VISITS

Members were invited to undertake a series of visits to the County Council's learning disability day centres:

1. Nichols Centre, Exeter (1st November 2022) - Councillors Richard Scott and Pru Maskell.
2. Abbey Rise, Tavistock (7th November 2022) - Councillors Richard Scott, Linda Hellyer and Debo Sellis.
3. Rushbrook Centre, Totnes (10th November 2022) - Councillors Richard Scott and Sara Randall Johnson.





## Replacement Day Care

The centres immediately seemed inefficient to Members to have sizeable buildings with so few people attending the settings. Resources were not being maximised with less than 20 people using the 4 day centres.

Officers advised that day care numbers had shrunk significantly over the years, which had been exacerbated with a changing landscape in terms of buildings-based services since the pandemic. One of the impacts of which was that many of the social benefits from before had now gone. Referrals for long term placements were not coming through. The 5 people using Abbey Rise for instance had been there since leaving education and most were now in their 40s and 50s, some with carers into their 80s.

There was a need to properly understand what 'good' looks like in terms of replacement care and what is a quality service. There appeared to be difficulty in providing adequate stimulation as a result of the low numbers and staff have to be very imaginative given budgetary limitations. In one of the day centres Members noted that people were just sat watching television.

There is also a need to continue to work hard with staff to try to realise more independence for people. The families of long-term service users are also not always exploring the other options available such as direct payments and personal assistants which are options to help people access community facilities. It was evident to members that parents and carers remain invested in the day care centre and there was some distrust of the Council. If changes to day care have to be made, families had suggested condensing the day service offer and then opening out the building to the community for the rest of the week.

## Reaching for Independence Service (RFI)

RFI work with people to reduce reliance and enable independence. The strength-based approach of RFI, along with the fundamental aim of doing the right thing for people, should also help to achieve financial savings as people become more independent.

Social care have always worked with families in terms of their caring role but have not always been having those difficult conversations about the future. Co-dependence between the parents/carer and the cared for person can be a barrier at times. Where parents for instance get into their 70s and 80s it brings real challenges, where some of whom may feel their carer role is their duty and it is difficult to release them from that role as they become less able to cope.

Officers questioned the suitability of having day care and RFI under one management group. It was felt that the focus should be on RFI, which has a real benefit in terms of people's lives through identifying and working to achieve goals. This can include supporting people to access mainstream activities, opening out the community and including people within that. For those with very complex needs this may necessitate the need for 2 carers at times.

## Employment Opportunities

There are people now in work who would have been in day centres previously. Devon currently has approximately 7% of people with disabilities in paid employment with 52 people in the last 6 months (as of December 2022). The Council as an employer still can do much more. Change is happening and the number of people with a disability working at the Council has gone up significantly in recent years but it is still not where it should be. Members felt that commissioners need to word contracts to ensure the inclusion and employment of people with disabilities.



## Infrastructure

Concern was raised about the lack of consideration in district Local Plans about assisted living, such as front doors on new homes not being able to fit wheelchairs through as standard.

Members noted that there is a role for other departments within the County Council in terms of supporting RFI such as the Highways Department putting in the correct infrastructure and adaptations for wheelchair users for instance.



## Supported Living

Most people now at aged 18 go into supported living for their independence rather than residential care. There is a shortage of supported living currently in the County due to staffing availability and issues with housing stock sufficiency, which results in people subsequently living with their parents into their 20s and beyond.

## Direct Payments

Concern was raised by members as to how appropriately direct payments were being used. Officers were not aware of any issue in Adult Social Care, where there are regular audits of direct payment cards. Quite often people are not spending all their direct payment and when there is over a certain amount on the card the funds are returned centrally. There is a concern that the County Council is directly funding family members as 'employees' paid per hour for care..

## Respite

More people are using respite care as opposed to day care. Children's Services offers a huge amount of respite, which can be problematic in terms of when young people transition to adult services and there is not the same level of availability. There is a need to assess the strategic approach of both children's and adult services to ensure both departments are aiming to achieve the same outcome of independence for adults.



## Smart Technology and IT

The Council was described as being forward thinking in terms of the use of IT and technology. Technology has made life much easier for disabled people and is an important part of RFI, where the team will promote the use of Alexa type smart device, automatic hoovers and lawn mowers etc.

## CONCLUSIONS

It was clear that the day centres Members visited appeared to be operating below the critical mass. Members recognised the viability of the day centres had to be in question given the numbers of people using the service and that the direction of travel for Adult Social Care was very much to focus on developing the RFI service. Members recognised that expectations have changed in terms of day care provision, and it is about meaningful outcomes for the service user. However, members were also minded that RFI was not necessarily designed for the people who were currently using the day care settings that were visited, so while the ethos of RFI seemed admirable it was not a panacea for all.

Appropriate provision must be available for those people whose complex needs require significant support and whose quality of care must never be compromised.

## RECOMMENDATIONS

- 1 That the Committee asks Cabinet to receive and consider this report, and as Adult Social Care transformation takes place, ensure that opportunities in the community are maximised to support people's independence and enable them to do the things that matter to them.
- 2 That the Committee shares the learning from the visits to inform its future work programme.





## Background

The Children's Scrutiny Committee previously completed an Education, Health and Care Plan (EHC Plan) Task Group in 2019, whose recommendations were accepted by Cabinet in July 2019, but implementation was partial and has lacked the urgency needed.

Since then, the Children's Scrutiny Committee has received regular updates on progress. Progress had been made before the COVID-19 Pandemic on improved timeliness of EHC plans, where Devon had increased from 4.3% in 2018 to 54.5% in 2020. The Committee was concerned about the progress made since COVID-19 pandemic as EHC Plan timeliness had fallen back to 40% by September 2021, and the impact of rising demand on staff and resolved to set up a task group.

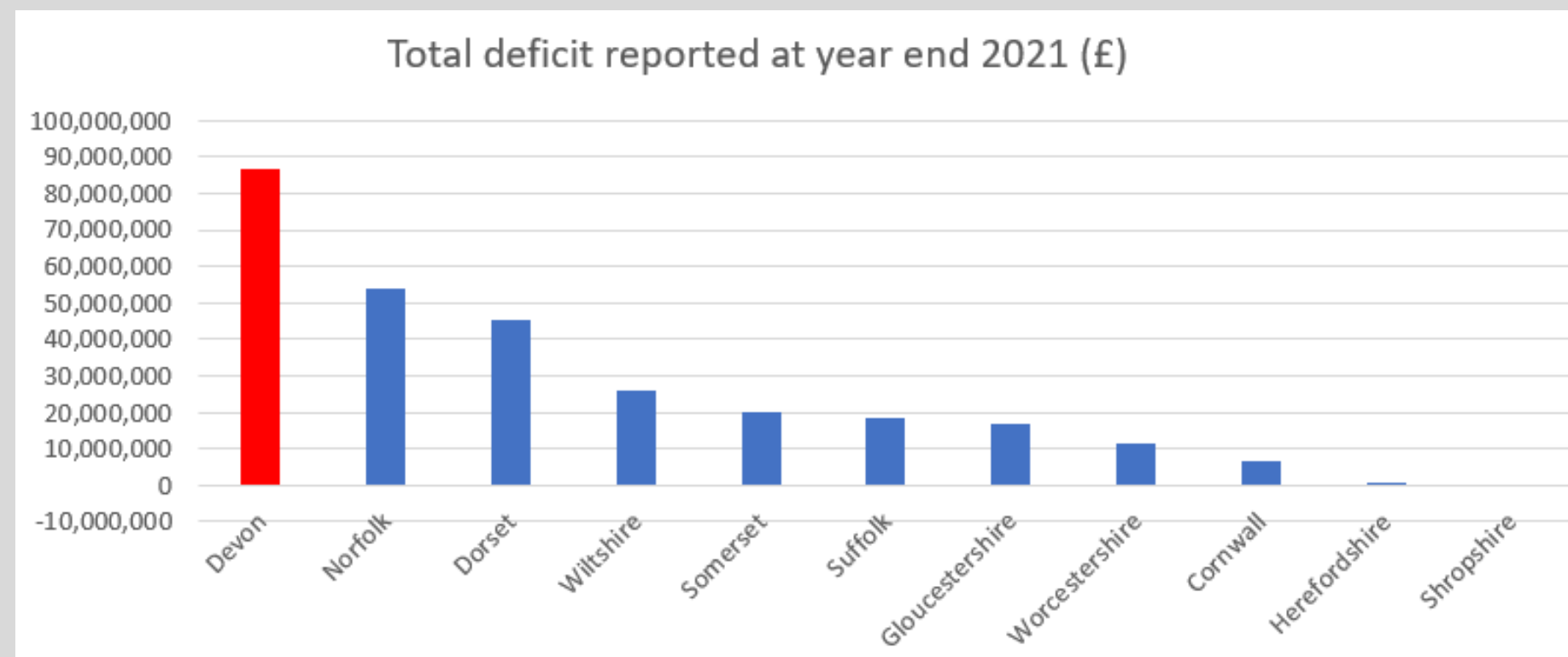
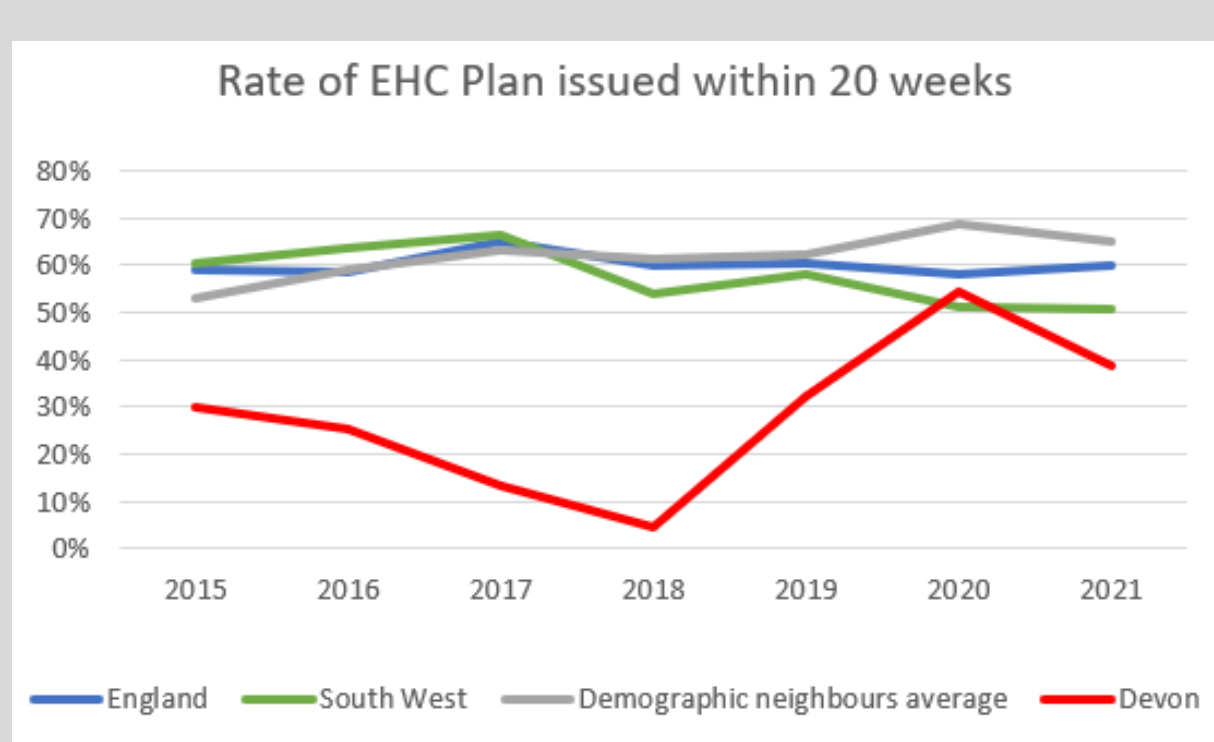
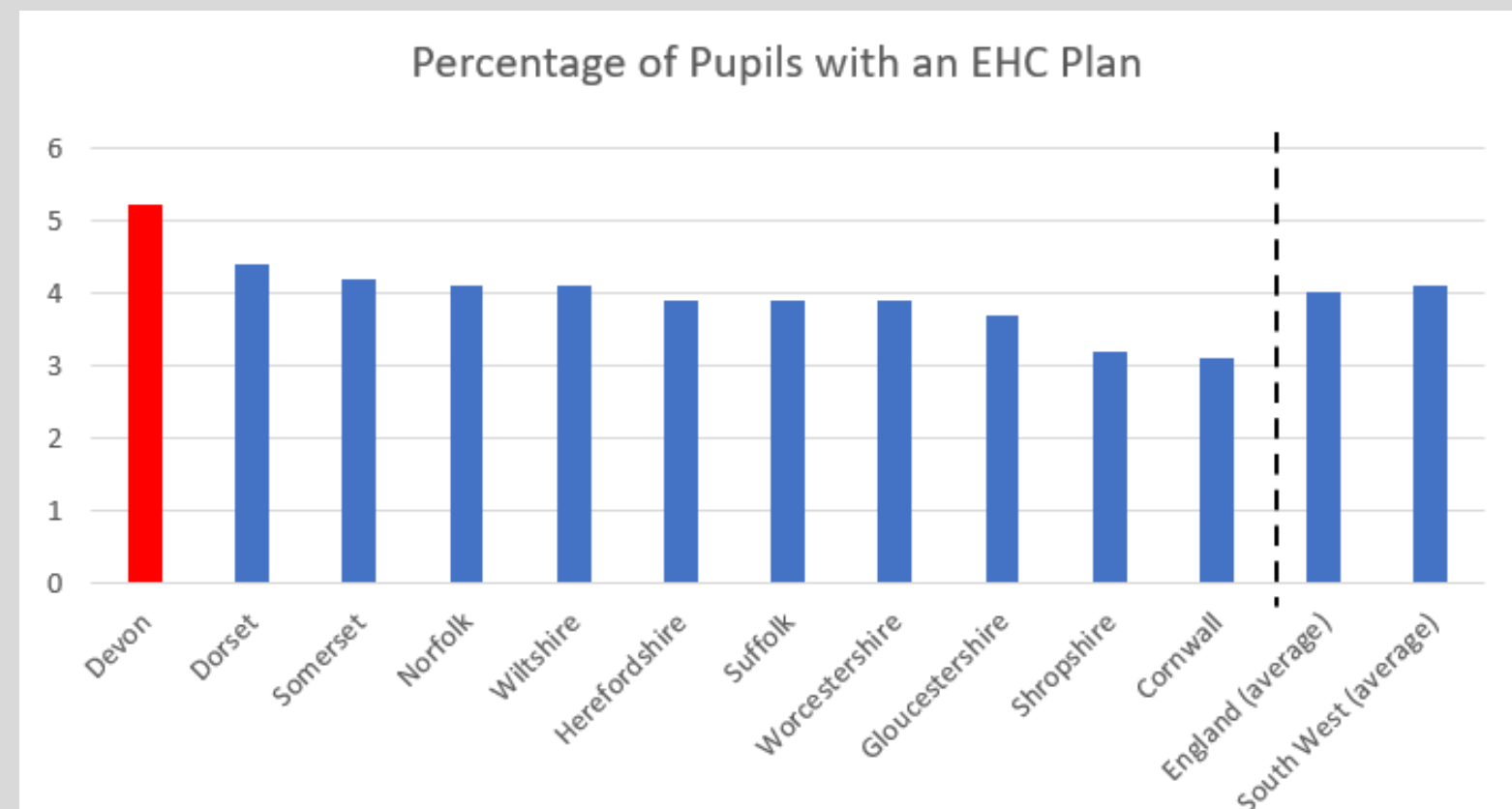
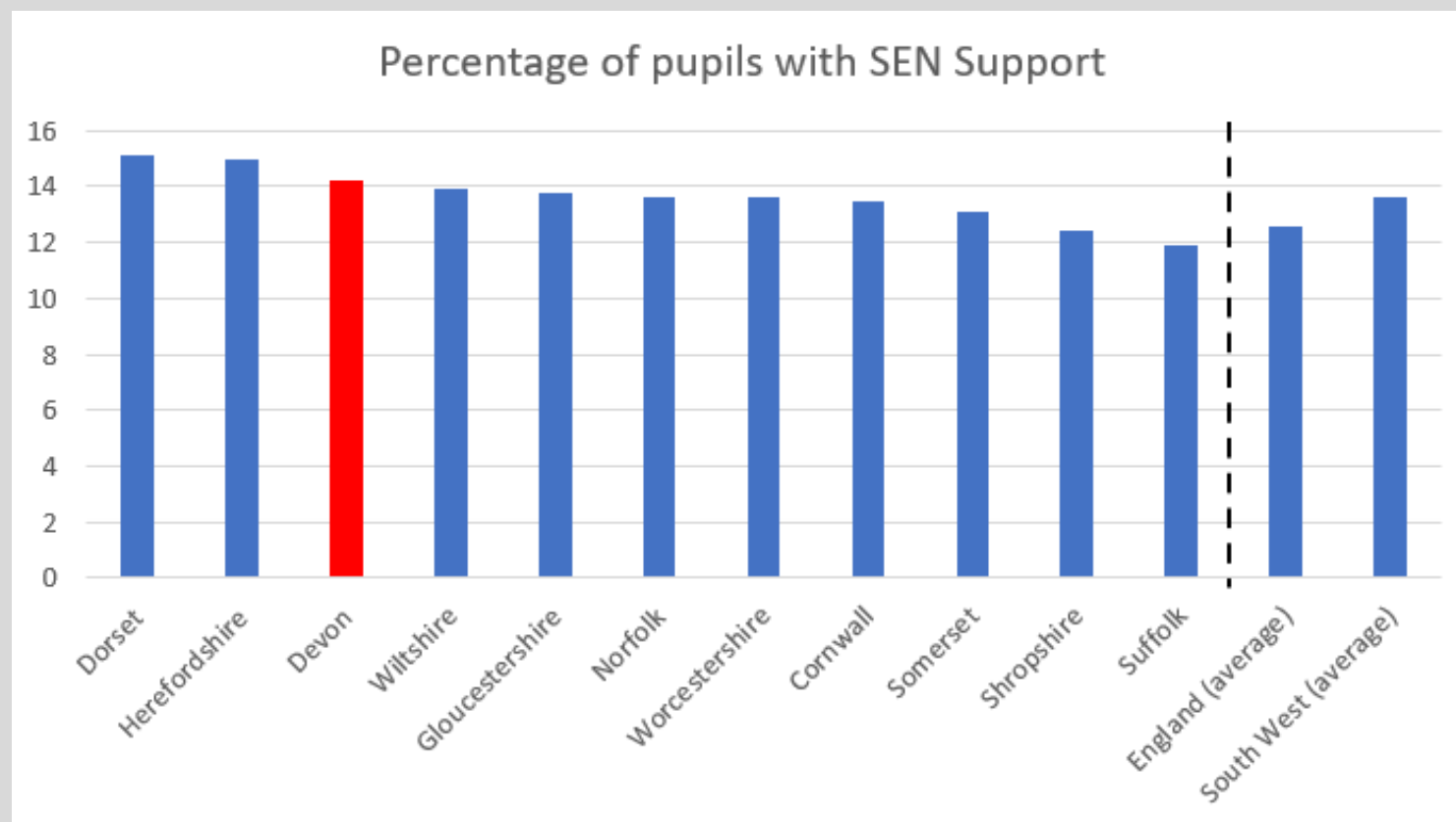
## Scope of the review

In the formulation of the scope of the task group, Members recognised that Special Educational Needs and Disabilities (SEND) as a topic is too large to be completed by one task group reporting back to Committee within a year and as such had to focus in depth on the most pressing concerns:

- To examine the performance of the SEND service.
- To explore the culture of the service and wellbeing/morale amongst staff.
- To explore the relationships between the service and its partners in the system including schools, parents and carers.
- To propose key areas of development for the future of the service to ensure it is an outstanding service.

## The current picture in Devon

There is no doubt that in Devon our SEND system is under severe strain and that demand is increasingly outstripping the capacity of the 0-25 team, the high needs block budget and the services who work to support children, young people, parents and carers. Devon is in a very concerning position, with the local area's performance lagging well behind the national average and those of our demographic neighbours.



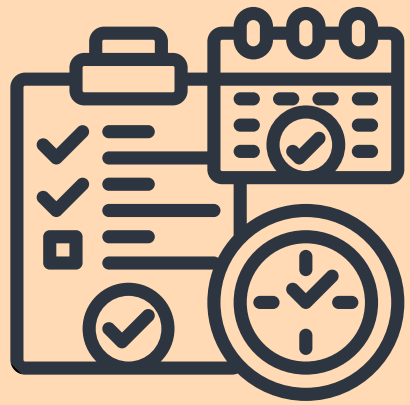
## Local Area SEND Inspection

In December 2018, Devon's local area SEND Inspection report determined that a written statement of action (WSOA) was required because of 4 areas of weakness in the local area's practice.

Devon was revisited in May 2022 and inspectors concluded that the local area **"has not made sufficient progress in addressing any of the significant weaknesses"**.

# Findings

The task group found that Devon's performance is poor, our quality of practice is poor and our spending is too high. Long standing issues around poor communication, exhausted staff, low thresholds for accepting EHC needs assessments, issuing too many EHC plans as well as our use of independent sector settings have contributed to this.



Officers have a caseload of around 500 cases, well above our demographic neighbours (200-270).



This means officers have 4 minutes and 36 seconds per case in a standard 37 hour working week.



The SEN 0-25 Team are "bogged down". Officers do not have the capacity to deal with the level of demand and workload that they currently face and are effectively firefighting every day and the impact of the lack of capacity reverberates through many parts of the SEND system.



"How can we make the time to make a quality plan when we don't have the time for a lunch break?"



Staff don't have the time to build relationships and communicate with families and schools. The lack of a 'human touch' in communications and physically picking up the phone was missing.

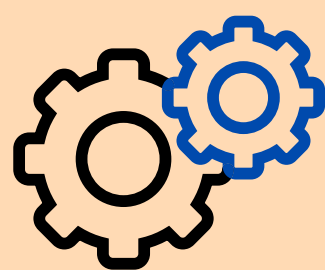
"Cut our caseloads to a reasonable number so we can actually case manage, build relationships, know our cases, complete tasks, feel in control of our work, and do a good job"



Emails are unanswered, calls aren't returned and parents are increasingly concerned. Staff don't have the time to have early conversations with parents and resolve situations. As such disagreements get escalated, leading to a cycle of more work and a rise in statutory services.



Witnesses related the poor relationships with parents and lack of trust as a direct impact of the demand in the system. Parents and carers do not trust that the system has their child's interests at its heart.



Devon needs to tackle rising demand for an EHC Plans and create a better service by creating a consistent earlier intervention culture.

Earlier interventions would mean support for a child with SEND would be put in place earlier, where inclusive schools and partners are able to deliver early help services that meet children's needs in a timelier manner and avoid escalation.

## Witnesses to the Task Group

Between November 2021 and October 2022, the task group gathered evidence across 10 evidence gathering sessions and 14 school and college visits.

The task group met with 33 witnesses from 11 organisations. This included other local authorities, the voices of young people with SEND, teams within Devon County Council, Devon Information Advice and Support (DIAS) and the Parent Carer Forum.

Data collected included witness interviews, a staff survey and the use of secondary evidence.



# What does an outstanding SEND service look like?

The task group presented ambitions for a future SEND service based on asking staff, service users and partners on what 'good' looks like.

These ambitions were based on system wide improvements, underpinned by ensuring trust and confidence in the system and good outcomes for children and young people with SEND. The task group presented its recommendations based these against ambitions:

- A workforce that has the capacity to meet demand
- A commitment to earlier intervention
- A human touch in communications
- Efficient services working well together

A service where every child's needs are fully met and children meet their full potential

Achieving the right support, at the right time

Capacity to deal with the workload

**Proactive so we can be involved early**

Quality conversations

**Easy, simple communication within appropriate timeframes**

Recognising when we get things right

Clear procedures, uncomplicated systems and less paperwork

Equal and realistic expectations

Access to good quality information and advice

Shorter waiting times

Parents and partners have confidence

Appropriate funding that meets the needs of children

Well trained, skilled staff in both schools and the Council

Access to specialist services

**Seamless - One where it doesn't matter where services operationally sit**

# Recommendations

The response needs to be two-pronged. There is a short term need to increase capacity to ensure that demands are met. But in the long term, there must be a system wide culture change to earlier intervention to meet needs at the right time and ensure that partners work together to do this. Earlier intervention would reduce demands on the system and allow staff to carry out their work at the highest quality.

## A workforce that has capacity to meet demand

- The Cabinet takes immediate action to ensure that there are enough staff to deal with the caseloads.
- The Cabinet Member be asked to write to the Secretary of State for Education to lobby for the Government's plans to address the national shortage in the number of Educational Psychologists
- The Children's Scrutiny Committee be asked to complete a spotlight review on recruitment and retention.

## A commitment to earlier intervention

- The Cabinet Member be asked to write to the f40 Group and the Secretary of State for Education to lobby for: A) Local Authorities to be funded for the entire of 0-25 age range for SEND based on current numbers in a year and not historical data; B) The Government to recognise the flaws in the Children and Families Act and urgently release its plans for the High Needs Block overspend once the statutory instrument ends to give certainty to Local Authorities; and C) The Government to pay off the deficits of local authorities in their High Needs Block.
- The Cabinet Member be asked to write to The Secretary of State for Health and Social Care to lobby for improvements to accessing CAMHS services in Devon.
- Upon implementation of the Local Area SEND Improvement Plan as a response to Ofsted, the Council and its partners should produce a system wide Improvement Plan for an outstanding future SEND service.
- Senior Leaders to support and attend future roundtables with demographic neighbours.
- The Children's Scrutiny Committee ensure that there are future opportunities to hear from young people with SEND, the Parent Carer Forum and DIAS on their work programme.

## A 'human touch' in communications

- The local offer website and communications are reviewed via a stakeholder focus group to reflect the needs of parents, carers and professionals.
- Ensure that the language and functionality of the EHC Hub is reviewed.
- Ensure that the new templates and plans are understood across the professionals that use them and that appropriate training is delivered.
- Ensure that there is training and the provision of clear guidance on where, when and how parents and professionals can raise concerns and minor edits to EHC Plans.

## Efficient services working well together

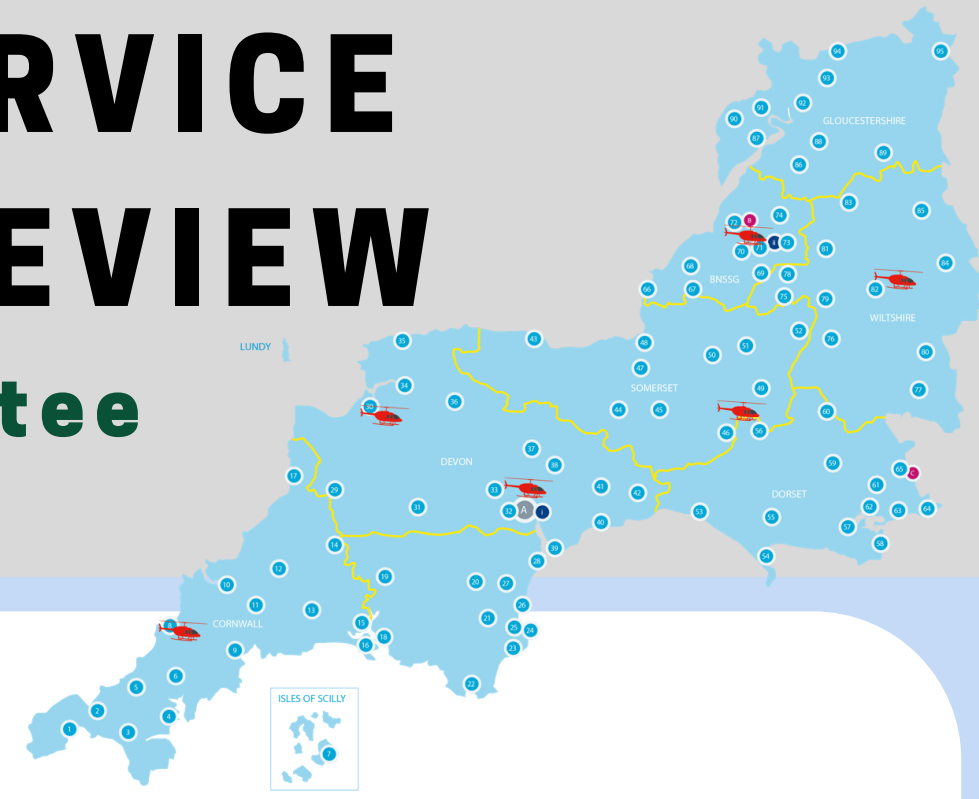
- The Cabinet Members for Children's Services and Integrated Adult Social Care must ensure that transitions begin at 14.

The Task Group's Members were Councillors Su Aves (Chair), Frank Letch MBE (Vice Chair), Janet Bradford, Christine Channon, Linda Hellyer, Lois Samuel and Jeffrey Wilton-Love.



# SOUTH WEST AMBULANCE SERVICE TRUST (SWAST) SPOTLIGHT REVIEW

Health and Adult Care Scrutiny Committee  
June 2022



## Background

The South Western Ambulance Service NHS Foundation Trust (SWAST) has responsibility for the provision of ambulance services across the entire South West England region, an area of 10,000 sq. miles or c. 20% of mainland England. The trust serves a total population of over 5.5 million and is estimated to receive an influx of over 23 million visitors each year. The operational area is predominantly rural but also includes some large urban centres.

## Scope of the review

On 11 November 2021, the committee resolved to set up a spotlight review to include reference to delays in transfers, response times, impact on patients and personnel, role of NHS 111; and work with key partners within the Devon Integrated Care System.

The terms of reference for the review were:

1. To evaluate the current situation in Devon in terms of SWAST performance and impact on patient outcomes.
2. To consider the factors impacting on ambulance wait times.
3. To review measures to alleviate delays in ambulance wait times.

30th May 2021

SWAST declared a "critical incident" due to "extreme pressures". It tweeted that "some patients may wait longer for an ambulance" after it got 3,200 calls.

7th September 2021

SWAST declared a "major incident" due to "unprecedented, sustained demand". The major incident was declared after recording 3,511 incidents the previous day.

## Response times and delays

In December 2021, SWAST performed below the national average for the most serious categories: 1 (a life threatening condition) and 2 (a serious condition) in terms of response rates.

### CAT 1 and CAT 2 response rates (minutes)

CAT 1	England average: 9:13	SWAST: 11:38
CAT 2	England average: 53:21	SWAST: 1:13:16

### Percentage of ambulance handovers delayed over 30 minutes (Winter 2021/22)

SWAST	36%
Midlands	29%
East of England	28%
NE and Yorks	17%
North West	17%
London	14%
South East	12%

### Hours lost due to handover delays

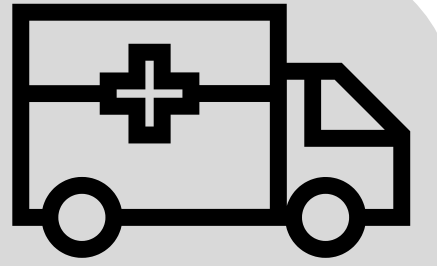


2019 - 57 hours per day  
2021 - 750 hours per day

# Findings



SWAST continues to be impacted by the wider system pressures. SWAST's response rates and delay times are symptoms of the complex landscape in Devon and the pressures placed on the health and care sector during the COVID-19 pandemic.



There is no single solution: demands in hospitals, Devon's demographics, shortages of staff, hospital flow and delayed discharges and ambulance handover delays are key to addressing SWAST performance.

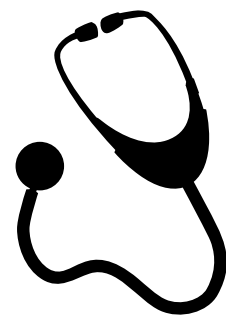


Devon has a growing older population meaning demand for some elective procedures, such as knee and hip replacements, is higher.

Due to the impact and effects of COVID-19, more elderly people needed to access acute services rather than be cared for in their own homes, which is the preferred setting.



A shortage of staff and beds in care homes meant older people had no where to be moved to, meaning on average 200 medically fit people remain in hospital each day and new patients cannot access those beds.



The vacancy rate (7% or 2000 positions) in health and social care is limiting Devon's ability to provide sufficient and high-quality services. Careers in health and social care have not been historically well promoted.



Health and social care system leaders have been dealing with an exceptional situation over the last two years, with high demand and staff have had much to contend with. Devon's staff are physically and mentally drained, and this leads to some leaving with knock on effects to the rest of the sector.

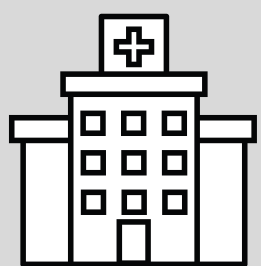


A shortage of staff and beds is exacerbated by COVID-19 related absences and the impacts of COVID-19 outbreaks on wards, which take time to deep clean and limit bed capacity.



Ambulances are still being called out where it is not the right intervention.

Devon needs to find a better solution to ensure people presenting with mental health needs are accessing services that meet their needs.



Devon's NHS Estate is older than in many areas and there is a gap between capacity and demand. There are also specific infrastructure issues across the system e.g. the emergency department at Derriford having too small a bed base and a huge geographical catchment area.





# Recommendations

**1**

That the Committee calls for a system wide commitment to improve average ambulance response times urgently.

**2**

That an immediate priority for the Integrated Care System is to implement rapid improvement to reduce the current risk to patient safety delays in handover between ambulances and hospital emergency departments are causing.

**3**

That work is undertaken with Devon's four acute hospitals to reduce the disparities in provision and improve the consistency of offer relating to emergency care that will aide ambulance queue management, including the implementation of a triaging model similar to the Rapid Patient Assessment and Triage model adopted at the Royal Devon & Exeter Hospital.

**4**

(a) That there is a more consistent Minor Injury Unit offer across the County as a priority, with regular service hours and a minimum standard for procedures carried out.

(b) That there is a new campaign to educate people in Devon about how to access medical services. This should include an online interactive map about wait times so that residents can access information on services in real time to bring greater clarity to the public as to how they access both urgent and non-urgent medical support including mental health support.

(c) That the system recognises the valuable role that Minor Injury Units have in managing demand and subsequently put greater effort into keeping Minor Injury Units open. All Minor Injury Units to have alternative staffing plans such as emergency staffing by paramedics and trained first aiders.

**5**

a) That there is better system wide working under the Integrated Care Partnership to develop improved career pathways and greater parity of pay, conditions and esteem for all those working in caring positions wherever in the system they are employed or commence their career in care.

(b) That an investigation is undertaken of how Technology Enhanced Care Services and other alternative working practices may enable care to be delivered more efficiently and effectively to all who need it.

**6**

That the emerging Primary Care Strategy for Devon prioritises the GP role in social prescribing as a key factor in improving health outcomes, reducing pressure on SWAST and wider health systems.

**7**

That Devon's acute hospitals provide a separate space in close proximity to emergency departments for those people presenting with mental health issues.

The spotlight review's members were Councillor Sara Randall Johnson (Chair), Councillor Carol Whitton (Vice Chair), Councillor Tracy Adams, Councillor Jess Bailey, Councillor David Cox, Councillor Linda Hellyer, Councillor Sarah Parker-Khan, Councillor Pru Maskell, Councillor Ron Peart and Councillor Martin Wrigley.

