

County Council
Thursday 7th September 2023



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

30 August 2023

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 7th September, 2023 at 2.15 pm.

A handwritten signature in purple ink, consisting of a large, stylized initial 'D' followed by a cursive name.

Chief Executive

[A period of quiet reflection will be offered by the Reverend Malcolm Carter – former prison chaplain at HM Prison Liverpool (formerly known as Walton Gaol), at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 25 May 2023.

3. Announcements

4. Items Requiring Urgent Attention

5. Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

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

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

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

FRAMEWORK DECISION

8. **People First Strategy** (Pages 1 - 20)

To Council is asked to receive and approve the People First Strategy, as recommended by the Cabinet (14 June 2023) (Minute 339 refers and replicated below).

RESOLVED

(a) that the new People First Strategy for Devon County Council (DCC) be recommended to the Council for approval; and

(b) that the Director of People & Culture be given delegated authority to make minor amendments to the Strategy, in consultation with the Cabinet Member for Organisational Development, Workforce & Digital Transformation.

Electoral Divisions(s): All Divisions

9. **The Council's Strategic Plan 2021 to 2025 and Corporate Plan for the next twelve months** (Pages 21 - 60)

To receive and approve the Council's Strategic Plan 2021 to 2025 and Corporate Plan for the next twelve months, as recommended by the Cabinet 12 July 2023) (Minute 356 refers). The recommendation is replicated below and the Joint Report of the Chief Executive, Director of Transformation and Business Services, Director of Legal and Democratic Services, Director of People and Culture and Director of Finance and Public Value is attached.

(a) that the commitment to, and support for, the "Best Place" Strategic Plan 2021 – 2025 is reaffirmed;

(b) that a Report on progress to date with the Strategic Plan 2021-2025 be prepared for consideration by the Council at its meeting on 7 September 2023;

(c) that the six areas of focus for the Corporate Plan for the next 12 months aligned to the risks set out in section 4 of the Report, be agreed:

I. Governance and performance review.

II. Value for money and financial sustainability.

- III. People strategy.
- IV. Replacement systems (FINEST and CareFirst).
- V. Equality, diversity and inclusion.
- VI. Devon, Plymouth and Torbay devolution deal.

(d) that the most significant risks facing the Council and the approach to managing them, as described in section 4, be agreed and further invite regular reports to future meetings on the management of those risks; and

(e) to further note that Directorate/service area plans will be developed over the next three months linked to the: Strategic Plan 2021-2025, areas of focus, key risks and People Strategy – ‘People First’.

Also attached for Members information is a progress report on the same, as outlined at recommendation (b).

Electoral Divisions(s): All Divisions

OTHER MATTERS

10. Cabinet Member Reports

To consider reports from Cabinet Members.

11. Minutes

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

- (a) Appeals Committee - 5 June 2023 (Pages 61 - 62)
- (b) Appeals Committee - 10 July 2023 (Pages 63 - 64)
- (c) Investment and Pension Fund Committee - 16 June 2023 (Pages 65 - 72)
- (d) Audit Committee - 20 June 2023 (Pages 73 - 76)
- (e) Public Rights of Way Committee - 13 July 2023 (Pages 77 - 80)
- (f) Appointments, Remuneration and Chief Officer Conduct Committee - 13 July 2023 (Pages 81 - 82)

The Council will be asked to approve minute 78 relating to the appointment of Solveig Wright as the Deputy Director of Integrated Adult Social Care (Commissioning).

- (g) Children's Scrutiny Committee - 6 June 2023 (Pages 83 - 88)
- (h) Health and Adult Care Scrutiny Committee - 13th June 2023 (Pages 89 - 94)
- (i) Health and Adult Care Scrutiny Committee - 27 July 2023 (Pages 95 - 100)
- (j) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 22 June 2023 (Pages 101 - 106)

NOTICES OF MOTION

12. Debate not Hate (Minute 212 of 25 May 2023)

To receive and consider the recommendations of the Cabinet (Minute 362(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely:

‘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 Councillors face, as they do with other high-risk individuals, like MP’s.
- Take a zero-tolerance approach to abuse of Councillors and officers’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/7) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that the County Council:

(i) recognises the actions already taken in support of the debate not hate agenda and endorses a zero tolerance approach to abuse of both staff and Councillors;

(ii) continues to develop tools and give advice that supports Councillors in relation to safety issues and tackling inappropriate behaviour, including encouraging Elected Members to use the reporting mechanism in place;

(iii) works with the Police to establish a link whereby advice and support can be sought and develop a procedure document to accompany this; and

(iv) write to Devon MP's, copying in the LGA, outlining the Council's support for the campaign and encouraging them to promote this agenda to Government and support any actions that seek to address the abuse and intimidation of those in public life.

13. Devon County Council to Treat Care Experience as if it were a Protected Characteristic (Minute 213 of 25 May 2023)

To receive and consider the recommendations of the Cabinet (Minute 362(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/7) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that Council recognises that care experienced people are a group who are likely to face discrimination;
- (b) that it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration;
- (c) that future decision, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic;
- (d) that in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment; and
- (e) that this Council will treat care experience as if it were a Protected Characteristic.

14. Teachers Pay - Investing in our Childrens Futures (Minute 214 of 25 May 2023)

To receive and consider the recommendations of the Cabinet (Minute 362(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely:

Council notes that:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/7) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that the Council continues its positive work with the F40 national campaign and its ongoing engagement with Government to ensure:

Equitable funding is provided by central Government to all Devon schools to allow them to maintain and deliver a high-quality education, to enable them to safeguard all children and young people, and meet the full cost of any pay awards to support the recruitment and retention of a strong and dedicated school workforce in the County.

15. Governance Review and Council Consultations (Minute 215 of 25 May 2023)

To receive and consider the recommendations of the Cabinet (Minute 362(d)) 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:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/7) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

Council is recommended to

(a) note that a Special Health and Adult Care Scrutiny Committee has been arranged on the 27 July to ensure Member Scrutiny and input into the process, as requested by the Motion, the outcome of which will inform the Special Cabinet meeting on 23 August, where three of the consultation outcomes are due for consideration;

(b) note, that in relation to day care and respite services, no decisions have been made and both matters will come to a future Cabinet meeting later in the financial year; and

(c) ensure that the Governance review incorporates a review of consultation processes as a separate workstream.

16. Devon 20's Plenty (Minute 216 of 25 May 2023)

To receive and consider the recommendations of the Cabinet (Minute 362(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/7) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that the Council will work with communities that wish to see a new 20mph speed limit introduced, where it will be beneficial to road safety and sustainable travel, either via the "expressions of interest" process or where communities wish to self-fund their own speed limit.

17. Call to Protect Ticket Offices Across Devon

Councillor Connett to move:

Council notes with concern the announcement by the Rail Delivery Group that train companies are pressing ahead with plans to close up to 1000 rail ticket offices across England over the next 3 years.

Council believes that ticket offices provide a vital service to residents in Devon. Having a clearly sign-posted place in the station for people with ticket enquiries provides certainty and confidence for customers who may struggle to otherwise locate station staff.

Not all residents are able to use station ticket machines or have the means to book a ticket in advance. Complicated journeys involving connections are likely to require human assistance to ensure customers purchase the most appropriate and cheapest tickets, and do not incur penalties or pay more than necessary for their journey.

Council is concerned the closure of ticket offices will disproportionately affect elderly and disabled residents in Devon – as well as those with poor literacy and IT skills.

Council notes the statistics from Age UK that 3 million elderly people in the UK do not have access to the internet, and statistics from the Royal National Institute for Blind People that only 3% of those with partial or full sight loss feel able to use ticket machines.

Council is also concerned about the possible implications for current station staff and the concerns that have been raised over possible staff redundancies – given that there will be no regulations for minimum staffing levels at stations and on platforms.

Council therefore resolves to:

- Instruct the Chief Executive to write to Mark Harper MP Secretary of State for Transport, and the Chief Executive of the Rail Delivery Group, expressing Council's opposition to the possible closure of staffed rail ticket offices – and in particular the offices across the Devon County Council area
- Instruct the Chief Executive to write to the rail operator(s) running local ticket offices in Devon expressing the Council's opposition to any plans to close the staffed ticket office in the County Council area.
- Refer this issue to Scrutiny with the recommendation that representatives from the relevant rail operator(s) are invited to attend a Scrutiny Meeting at the earliest possible point to discuss future plans for ticket offices and staffing in Devon.

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