

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

Thursday 15 February 2018

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

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

**REPLY BY COUNCILLOR GILBERT**

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

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

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

**REPLY BY COUNCILLOR HUGHES**

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

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

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

**REPLY BY COUNCILLOR BROOK**

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

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

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

**REPLY BY COUNCILLOR BROOK**

Please see my response to Q10 above.

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

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

**REPLY BY COUNCILLOR BROOK**

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

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

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

**REPLY BY COUNCILLOR BROOK**

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

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

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

**REPLY BY COUNCILLOR BROOK**

Please see my response to Q13 above.

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

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

**REPLY BY COUNCILLOR BROOK**

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

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

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

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

**16. QUESTION FROM COUNCILLOR J HOOK**  
**Re: Department for Transport on Highways Adoption**

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

**REPLY BY COUNCILLOR BROOK**

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

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

**17. QUESTION FROM COUNCILLOR HODGSON**  
**Re: Joint Local Plan (2014 – 2034)**

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

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

**REPLY BY COUNCILLOR CROAD**

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

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

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

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

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

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

**REPLY BY COUNCILLOR HART**

The Leader will reply orally.