

**QUESTIONS TO THE
LEADER OF THE COUNCIL**

Thursday 25 May 2017

**1. QUESTION FROM COUNCILLOR HOOK
Re: Air Pollution Strategy**

The Government has at last announced its air pollution plan. Air pollution is a particularly serious health issue, with 45,000 premature deaths reported nationally per year as a consequence, and many additional serious health issues acknowledged as a direct result of air pollution. How is the County adapting policy in recognition of the Governments new statement? When can we anticipate action in Devon?"

REPLY BY COUNCILLOR HART

As Councillor Hook will be aware the focus of the Government Strategy, which he acknowledges has only recently been published, would appear to focus on reducing concentrations of NO2 around roads and is substantially directed at transforming the UK's most polluted cities into clean and healthy urban spaces, supporting those most directly affected and ensuring that vehicle manufacturers play their part to improve the nation's air quality.

There appear to be universal aspects of the proposed strategy - such as cash payments to persuade drivers who live in pollution hotspots to give up or retrofit their diesel cars as part of a new scrappage scheme - recognising the growing sense in Government that a substantial policy will have to be rolled out to persuade people to give up diesel cars which emit nitrogen oxides that contribute to health problems such as asthma. Councils may also be allowed to introduce clean air zones in the worst affected towns and cities, making the most polluting vehicles pay to enter but as I understand it this measure would only be allowed if local authorities have considered other ways to mitigate pollution through traffic control.

I will ask the Cabinet Member for Community, Public Health, Transportation & Environmental Services to give a detailed response to Councillor Hook on the strategy and on the action already being taken by this Council on air quality issues, acknowledging that we must necessarily await the results of the General Election to see how and when the strategy will be implemented by the returning Government.

**2. QUESTION FROM COUNCILLOR BIEDERMAN
Re: Sale of Care Homes**

What efforts did the Council make to sell former County Council care homes to Private Care Home providers?

REPLY BY COUNCILLOR HART

Marketing of the properties included advertising sites in the 'Caring UK' magazine which is a national publication for the social care sector. The Council's procedure for evaluation of bids also took into consideration any submissions received from care home providers, and through Devon's Provider Engagement Network, DCCs intention to dispose of former care home sites was set out.

3. QUESTION FROM COUNCILLOR BIEDERMAN
Re: Advertising in relation to Sale of Care Homes

Where and how were these estates (former County Council care homes) advertised?

REPLY BY COUNCILLOR HART

Former County Council Care Homes brought to the open market were typically advertised on 'Rightmove' as well as regional and local papers and 'Caring UK' magazine as above. Particulars were also sent to the 200-250 companies and individuals on a retained mailing list for property disposals. The sites were advertised on the open market for sale by public tender.

4. QUESTION FROM COUNCILLOR BIEDERMAN
Re: Action on Care Homes Not Yet Sold.

If any former County Council Care Homes have not yet been sold, would the Leader agree that given the age demographic of Devon Residents, these should be made available to care providers first, putting the need of Residents before money?

REPLY BY COUNCILLOR HART

All former County Council Care Homes have now either been sold or are in the process of the sale being finalised. 7 of the former home sites were sold with the purchasers intending to use or the develop the building for adult social care provision (including Extra Care Housing) In addition the County Council have discounted the value of/or agreed a transfer at nil value of 3 former care home sites to facilitate adult social care provision (including learning disability) and retained 3 former care home sites for the provision of additional educational provision including special educational needs.

5. QUESTION FROM COUNCILLOR HANNAFORD
Re: Mental Health Support in Pregnancy and Perinatal Care

It is now widely recognised that General practice staff should do more to diagnose and support new mums with mental health problems. NICE is proposing that clinical commissioning groups (CCGs) should record how many pregnant women or new mums are asked about their mental health, and how many of those with a suspected mental health problem receive a full mental health assessment and appropriate and timely treatment.

NICE added that about one in eight women are estimated to suffer from anxiety or depression while pregnant, and as many as one in five during their first year after giving birth. It pointed out that a recent report by NHS Improving Quality found variability in women's experience of treatment for perinatal mental health problems, concluding that improving access to psychological therapies (IAPT) services were not always found to be of benefit or suited to women with maternal mental health issues.

Can I please ask the Cabinet Member for a general over view on these important issues, and how we are working with key partners to ensure best practice and maximum support for those in need?

REPLY BY COUNCILLOR HART

The Council acknowledges that there needs to be a whole system approach to recognise and address this important issue and to support the needs of pregnant or perinatal women with mental health issues. Key partners across the County are already working together to ensure that best practice and support is being provided.

Devon Partnership Trust (DPT) are at the forefront of this and operate a perinatal service for women pre and post birth. This service links with others across the South West and the question of expanding services is currently being examined, and to that end, I understand a bid has recently been completed to develop a local Devon Mother and Baby unit.

The DPT perinatal service works cooperatively with midwifery in the Devon Partnership catchment area. Midwives routinely ask women about their mental health at their first appointment and as the pregnancy progresses, if women answer yes to any of the mental health enquiry questions the Midwives will refer to the Perinatal Service. The perinatal service also works closely with general practice and accepts referrals from GP's, Health Visitors, Mental Health professionals or women themselves.

To support a greater level of collaboration and awareness from across the workforce, the Perinatal Service provides perinatal mental health training to Midwives, Health Visitors, GP's, Mental Health Professionals & any other team/agency that requests/requires this. The website is: <https://www.devonpartnership.nhs.uk/Perinatal-Service.398.0.html>

Maternal Mental health, postnatal depression and infant mental health are all complex issues requiring close working and co-operation between perinatal services and PHNS work closely with midwives, GPs, the PMIMH teams and with Children's Centres to ensure that mothers get the right package of care they need.

It would not have been possible to produce a comprehensive overview covering all of the issues involved and details of the requirements and actual services available and/or provided within the time available but I will ensure that Councillor Hannaford is provided with a more detailed response within the next few weeks ... and I am sure the Cabinet Member will also be only too happy to meet him to discuss these matters in more detail.

6. QUESTION FROM COUNCILLOR HOOK

Re: Traffic Regulation Orders

We are told it costs £3000 in legal fees for a RTO (DYLs etc.).How is this figure made up?

REPLY BY COUNCILLOR HART

The £3,000 cost quoted for processing a Traffic Regulation Order (or Traffic Order) represents a guide to the costs to the County Council for designing, advertising and preparing to implement the most common types of request e.g. a short extension to a speed limit or a waiting restriction review.

Actual costs can be less or significantly more depending on scale. Many simple Orders can be introduced for around £1500. Where these are funded by Developers or the public, an initial fee of £3000 may be taken and the balance of any monies paid is then returned. More complicated Orders can cost significantly more.

The breakdown of costs will depend on the following:

- the amount of Officer (or Consultant) Time involved in putting together the Traffic Order;
- the Cost of Advertising in the local press;
- the amount of Officer (or Consultant) time involved in collating responses received during the Advertising process. In some instances, this will also include time in preparing HATOC reports; and
- the amount of Officer (or Consultant) time involved in preparing works orders to carry out physical implementation works.

7. QUESTION FROM COUNCILLOR PROWSE
Re: Dispensation Permit Scheme

The dispensation scheme was introduced with much controversy. Members of the Exeter Highways and Traffic Orders Committee did not approve of the proposals for the options given by officers. Despite this the Cabinet subsequently approved the scheme. Since its controversial introduction I have conducted some research and find that:

- (a) this authority charges a fee of £5 per day and a £5 administration fee for applicants requiring dispensation to park in limited waiting and loading bays.
- (b) on street loading and parking bays are created under sections 32 and 35 of the Road Traffic Regulation Act 1984. There is no power under these sections for this authority to charge as they currently do.
- (c) there is no power under the Local Authorities (Transport Charges) Regulations 1998 to impose dispensation charges in relation to limited waiting and loading only bays.
- (d) this authority imposes a daily £5 charge in relation to parking on yellow lines. Section 4 of the Road Traffic Regulation Act 1984 makes it possible for this authority to issue dispensation notices permitting vehicles to park on yellow lines. There is however no power within the Act to charge for these notices. The power to charge comes from the Local Authorities (Transport Charges) Regulations 1998. By these powers it is evident that any charge is restricted to the consideration of a dispensation application. Therefore it is unlawful for this authority to impose a £5 daily charge on top of the £5 application fee. This £5 daily charge seems to be charge for parking and nothing to do with the cost of considering an application. When determining a charge this authority is required by the Local Authorities (Transport Charges) Regulations 1998 to have regard to the cost of considering an application for dispensation. In other words they should not lose or profit. This authority determined that the cost of considering an application to be £5 and therefore the daily charge of £5 is a levy to raise revenue and acts contrary to the ruling of Justice Lang in the case of *Attfield v London Borough of Barnet* (2013) EWHC 2089 (admin).
- (e) the £5 daily charge seems to be a charge for parking and nothing to do with the cost of considering an application. This on the face of it is unlawful.

What checks did the then Cabinet member for Highways do to ensure that all was well?

REPLY BY COUNCILLOR HART

As Councillor Prowse will be aware the Council's our dispensation scheme has been in place for some time and was introduced in order to ensure contractors had appropriate access to the sites at which they are working, and that the service was sustainable and self-funding. The Council's approach parallels that in other Authorities in the South West. Nonetheless, Councillor Prowse's comments however are understood and have been passed to the County Solicitor to review further.



QUESTIONS FROM MEMBERS OF THE PUBLIC

1. QUESTION FROM MR VINT Re: Energy Efficiency Measures

What quantifiable progress has been made in recent months on implementation of the recommendations of the Energy Policy Task Group Report (Nov 2014) following its endorsement by the County Council - in relation to increasing the energy efficiency of individual council buildings and increasing the generation of energy from renewable sources on council property?

Can you provide the figures for the amount of money saved per unit area or building from energy-saving measures or for the value of energy generated from renewables?

REPLY BY COUNCILLOR HART

I am pleased to report that the following progress has been made relating to the Council's property estate, which has been supported by the appointment of a full time dedicated Energy Manager since March 2016:

- The Council has signed the Grant Funding Agreement for the Zero Energy Building Catalyst (ZEBCat) project which aims to reduce the energy consumption of a building by 60%. It has also been successful in securing an external capital funding of £200,000.
- Subject to planning approval funding for a solar PV installation at County Hall has been agreed.
- An Expression of Interest for grant funding has been submitted including measures to install solar PV to supply energy to the Council's buildings.
- The Council is engaged with the Re-Thinking Energy Demand project led by University of Exeter which explores the use of energy in the workplace.
- Surveys have been commissioned on 15 Council buildings in preparation for the procurement of a contractor to install roof-mount solar PV.

The authority's spend on energy has reduced by 33% since 2012/13 (at the commencement of the current Estates Strategy), representing a budget saving of £686,000 since 2014-2015 and a total reduction of £2,581m on the 2012/13 figure. The consumption and spend data for last financial year is in the process of validation with our energy suppliers and will be available in July.