

COUNCIL

7 December 2017

Present:-

Chair: R Radford

Vice-Chair: R Edgell

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, S Barker, J Berry, F Biederman, J Brazil, E Brennan, J Hook, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhirst, R Gilbert, B Greenslade, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors K Ball, R Bloxham, A Eastman, G Gribble, I Hall, T Inch, S Randall-Johnson and P Twiss

49 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 5 October 2017 be signed as a correct record.

The Motion was put to the vote and declared **CARRIED**.

50 Announcements

The Chair of the Council reported on the passing of former Councillor Alan Hosking who had served on the Council between 2005 and 2009, representing the former Yelverton Rural ward.

Furthermore, that an initiative to improve the health and wellbeing of people in Exeter had been recognised with a top national award. Wellbeing Exeter won a prestigious National Health Service Journal award and the Integrated Care Exeter (ICE) initiative was successful in the 'Most effective adoption and diffusion of existing best practice' category.

The Chair paid tribute to the staff of the Seaton and Sidmouth Team and also the Forensic Social Work team at Langdon hospital who had both won or been nominated for recent awards at the social care and social worker awards in London.

The Chair, on behalf of the Council, also extended congratulations to Prince Harry on his recent engagement to Meghan Markle.

Last, the Council congratulated Craig Overton on making his England debut in the second ashes test in Adelaide. Craig was top wicket taker and run scorer in the first innings.

51 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

52 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Ian Williams with a petition containing approximately 2500 signatures relating to the underfunding of Devon Schools and impacts in the classroom.

The Leader indicated that the relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days.

There was no question or oral representations by any member of the public.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

53 **Petitions from Members of the Council**

The Leader was presented by Councillor Hannaford on behalf of local residents, with a petition containing approximately 310 signatures seeking works to be undertaken on the pavements in Cowick Street, Exeter.

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MId=2487&Ver=4&info=1>)

54 **Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 14 questions submitted by Members of the Council relating to the Newton Abbot Railway Line and reports that Network Rail were considering investing in the Heathfield/Newton Abbot line, Traffic Support Officer numbers and Traffic flow figures for the South Devon Highway, the use of Neonicotinoids on Council land, Intelligent Speed Assistance (ISA) technology and whether the Council was looking to utilise such technology, the social and economic consequences of Brexit, planting and maintenance of street trees, Future Care Home Capacity, demand and provision, Care Home Charges and budget allocations, the waiting list for CAHMS, 100 years of women's suffrage and associated events, council assets and disposal of property in Exeter and science technology and engineering investment and access to Government funding (productivity fund) .

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

[NB: See also any responses to Questions referred to at Minute 52 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

55 **Heart of the South West: Approval to form a Joint Committee (Minute 157/10 December 2015)**

The Council considered the Report of the Chief Executive (CX/17/26), together with the recommendations of the Cabinet held on 8 November 2017 (Minute 77) relating to the proposals for a Heart of the South West Joint Committee.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the report and also the minutes of the Cabinet (Minute 77) relating to the Heart of the South West Joint Committee be approved.

Councillor Shaw then **MOVED** and Councillor Biederman **SECONDED**;

“that the recommendations as outlined in the Report of the Chief Executive (CX/17/26) be not approved at this time, pending further consideration of:

- a) the geographical framework for devolved arrangements;

- b) *the economic strategy for devolution; and*
- c) *how devolved arrangements can secure democratic legitimacy,*

to allow time for them to be fully considered.”

The Amendment in the name of Councillor Shaw was then put to the vote and declared **LOST**.

(In accordance with Standing Order 32(4) Councillors Biederman, Brazil, Connett, Dewhirst, Greenslade, Hodgson, G Hook, J Hook, Shaw, Way and Wright asked that their vote for Councillor Shaw's amendment be recorded).

The Motion in the name of Councillor Hart was put to the vote and declared **CARRIED**.

(In accordance with Standing Order 32(4) Councillors Biederman, Brazil, Connett, Dewhirst, Greenslade, Hodgson, G Hook, J Hook, Shaw, Way and Wright asked that their vote against Councillor Hart's amendment be recorded).

56

Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

(a) Policy & Corporate

Councillor Hart commented, as requested by Councillor Hannaford, on the strategic role of the County Council in housing delivery and also, as requested by Councillor Greenslade, on the opportunities for growth the rural economy could provide.

He further responded to questions on affordable housing, housing requirements and council tax on second homes.

(b) Highways Management

Councillor Hughes commented, as requested by Councillor Hook, on bus lanes in Devon, including mileage of bus lanes across the county, enforcement agents for infringements, the numbers of fines issued and revenue collected.

He also circulated a report, responding to Councillor Dewhirst, as requested, on any measures being taken to mitigate the impact of the closure of Wolborough Street in Newton Abbot to local people and the impact on businesses in Ipplepen and Abbotskerswell.

The Cabinet Member responded to a question on unpaid parking fines and the actions of the Council with persistent offenders.

(c) Community, Public Health, Transportation and Environment

Councillor Croad circulated a report, as requested by Councillor Hannaford, on the work being done by the Council, with others, to provide help and support for people experiencing domestic violence and abuse. The update also included the new Splitz model as well as an analysis on some of the key challenges, such as access to legal aid, access to support services, closures of refuges and budget cuts.

He also responded to questions on the impact of the cap on universal credit, whether the numbers of spaces in refuge accommodation was sufficient for current requirements, budget provision for Devon Rape Crisis services, the provision of courses in Teignbridge by Action

for Children and the partnership work of Operation Encompass supporting children and young people exposed to domestic abuse.

(d) Infrastructure Development and Waste

Councillor Davis commented, as requested by Councillor Aves and Councillor Greenslade, on the recent announcement that the Government was looking at rail travel in the South West and also the potential changes to rail franchises and any possible impact for services in Devon, including details of the consultation.

The Cabinet Member also responded to questions on the progress of the proposed new station at Marsh Barton, the importance of good rail links to London, air quality issues and opportunities for franchise investment, capacity on the Barnstaple to Exeter line and proposals for the Okehampton line.

(e) Economy and Skills

Councillor Barker commented / reported, as requested by Councillor Atkinson, on the region's access to superfast broad band, the performance of BT under the contract, any enforcement issues for poor performance, provision of sufficient cabinets, the numbers of properties failing to meet the superfast broadband speeds, new investment and also the provision of full fibre connectivity in the current contract.

He also reported, as requested by Councillor Dewhirst, on the Chancellor's £3 billion expenditure on Brexit and preparations by the Economy, Enterprise and Skills for the event and then responded to questions on potential export issues resulting from Brexit.

57 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved ...

Development Management Committee	-	25 October 2017
Appeals Committee	-	6 November 2017
Public Rights of Way Committee	-	9 November 2017
Standards Committee	-	13 November 2017
Investment & Pension Fund Committee	-	17 November 2017
Audit Committee	-	22 November 2017
Children's Scrutiny Committee	-	16 November 2017
Health & Adult Care Scrutiny Committee	-	21 November 2017
Corporate Infrastructure & Regulatory	-	28 November 2017
Services Scrutiny Committee		

The Motion was put to the vote and declared **CARRIED**.

58 Plastic Free Coastlines (Minute 44 - 5th October 2017)

Pursuant to County Council Minute 44 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.

The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.

A representative of this Council will become a member of the Plastic Free Coastlines Steering group'.

and having had regard to the advice of the Cabinet set out in Minute 81(a) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice (the amendment) be accepted and the spirit of the Notice of Motion, which aims to provide leadership in avoiding single-use plastic items in order to achieve a 'Plastic Free Coastline' be supported and the Council commit to addressing this issue further through the Authority's environmental performance agenda, including a review of single-use plastic items and how suitable alternatives to these might continue to be adopted.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED**, nem. con as the substantive motion.

59 **National Funding Formula for Schools (Minute 46 - 5th October 2017)**

Pursuant to County Council Minute 46 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon School children with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.

These concerns be communicated on an all party basis to the Government and all Devon MP's'.

and having had regard to the advice of the Cabinet set out in Minute 81b of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice (the amendment) be accepted and that the sentiment of the Notice of Motion be welcomed and Council share the concerns expressed regarding fairer funding for schools. Therefore, Council will continue the campaign for fair and adequate funding for all Devon children (including school funding, high needs funding for those with SEN and additional needs and early years pupils) and support the following actions:

- i) that work continues with F40 and the offer to take a more substantial role within the F40;
- ii) that Council notes the briefing that has been sent out to MPs outlining funding concerns for Devon Schools, early years and high needs funding and also welcomes the request for their support; and
- iii) that work continues with both schools and SEN groups.

And, in light of the above and the action already undertaken, no additional action be taken.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Greenslade then **MOVED** and Councillor Connett **SECONDED**;

That the Cabinet recommendation be amended by deleting the full stop at the word 'taken' and inserting the words '*other than to confirm that higher needs funding pressures will not be resolved by reducing school budgets in 2018/2019*'.

The amendment in the name of Councillor Greenslade was then put to the vote and declared **LOST**.

Councillor Biederman then **MOVED** and Councillor Dewhirst **SECONDED**;

That the Cabinet recommendation be amended by the addition of an extra sentence to read '*that a cross party letter is sent to Westminster to meet Devon MP's and the Minister for Education to make the case for fairer funding for Devon's children*'.

The amendment in the name of Councillor Biederman was then put to the vote and declared **LOST**.

The substantive motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

60 Ethical Care Council (Minute 47 - 5 October 2017)

Pursuant to County Council Minute 47 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

'This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.'

and having had regard to the advice of the Cabinet set out in Minute 81(c) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice (the amendment) be accepted and that the Council notes the requirements of the Charter and recommends officers work with its contracted providers towards its adoption having due regard to affordability, market sufficiency and quality of commissioned care.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

61 20 MPH Speed Limits (Minute 48 - 5 October 2017)

Pursuant to County Council Minute 48 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that;

'With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads'.

and having had regard to the advice of the Cabinet set out in Minute 81(d) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be not progressed at this stage as a blanket call for Town and Parish Councils to propose 20mph speed limits would be premature at this stage given there was a commitment to reviewing the current policy.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

62 Southwestern Railways Consultation - New Timetables

In line with Standing Order 6(2), the Notice of Motion on the South Western Railways Consultation, previously submitted by Councillor Shaw, was withdrawn.

63 EU Law - Animal Sentience

Councillor Wright **MOVED** and Councillor Shaw **SECONDED**

This Council is disappointed that the Government voted to omit an important clause in EU law relating to animal sentience, as part of the Withdrawal Bill.

This Council is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law.

However, this Council backs calls from the British Veterinary Association to commit to an appropriate timeframe to reinstate the vital obligation in EU law in Article 13, on the STATE being responsible for animal welfare, in addition to UK law, which states that only the KEEPER of the animal is responsible.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

64 Pension Funds and Fossil Fuel Companies

(Councillor Mathews declared a personal interest in this matter by virtue of being in receipt of a Devon County Council Widows Pension)

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED**;

'In line with its recently affirmed commitment to mitigating climate change, this Council will divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step'.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

65 Post-Brexit Arrangements - Membership of the European Single Market and Customs Union

Councillor Shaw **MOVED** and Councillor Wright **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting;

This County Council respects the majority vote in the Country to support leaving the European Union, but believes that the UK must secure post-Brexit arrangements which best support the economic and social wellbeing of Devon and the country as a whole. The Council therefore urges the Government to negotiate continued

membership of the European Single Market and Customs Union, both of which bring considerable benefits to Devon.

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

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

66 Council Budgets - Vulnerable Young and Elderly Residents

Councillor Biederman **MOVED** and Councillor Shaw **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting;

Devon County Council was very disappointed to see there was no help, to this council in the autumn statement with regard to Children's Services & Social Care. Children's Services budgets are overspent here and in 75% councils across the country, with a £2 billion shortfall in council budgets. If we are to deliver safe and effective services for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.

We write a cross party letter, to Devon MP's and the Minister signed by all group leaders expressing our concerns and urging Devon MP's and the Government to address this growing problem for our most vulnerable young and elderly residents.

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

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Mr Sprague.

The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.

Minutes should be read in association with any Reports or documents referred to therein, for a complete record. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.15 pm and finished at 5.15 pm