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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

29 November 2023

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

Chief Executive

## **AGENDA**

**7. Questions from Members of the Council (Pages 1 - 14)**

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





## **QUESTIONS TO THE LEADER OF THE COUNCIL, CABINET MEMBERS AND COMMITTEE CHAIRS**

**Thursday 7 December 2023**

**1. QUESTION FROM COUNCILLOR BARNES  
Re: Active Streets trial and consultations**

Could the cabinet member confirm that the active streets trial in Heavitree has been undertaken in line with government policy, Devon County Council policy, carried out with this governments funding and in line with Exeter's Transport Strategy agreed by the cabinet on the 11<sup>th</sup> of November 2020?

### **REPLY BY COUNCILLOR HUGHES**

The Active Streets trial in Heavitree and Whipton was supported by the Exeter Highways and Traffic Orders Committee (HATOC), of which you are Chair, on 20th June 2023, with its report confirming that it is in line with several strategies produced or supported by the County Council, including the Strategic Plan, Exeter Transport Strategy and Devon Carbon Plan. I am not aware that members of the HATOC felt the need to query whether there was insufficient content to make an informed decision.

The Exeter Transport Strategy aims around active travel are well aligned with the Government's Cycling and Walking Investment Strategy and Gear Change vision document, which includes ambitions to make cycling and walking the natural choices for shorter journeys and achieving 50% of trips in towns and cities walked or cycled by 2030.

Alongside the Gear Change vision, the Government allocated £2bn to support active travel and it established Active Travel England, which is the government's executive agency responsible for walking, wheeling and cycling. The trial is being funded through Active Travel England's Capability and Ambition Fund.

**2. QUESTION FROM COUNCILLOR BARNES  
Re: Future active travel money**

Will the cabinet member confirm whether Devon County Council will be applying for future active travel money for projects across Devon?

### **REPLY BY COUNCILLOR HUGHES**

Devon County Council will continue to apply for active travel funding when suitable grant funding opportunities are released. The Transport Capital Programme approved at Cabinet in October 2023 sets out funding allocations for this financial year and next, with £6.8m allocated to active travel projects across

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the County. There are Local Cycling and Walking Infrastructure Plans in development countywide which will set out the priorities for investment and give the Council the best chance of success for securing future funding for active travel.

An example of our continued commitment was demonstrated this week with a £1.1m bid to an extension of the 4th round of the Active Travel Fund for the replacement of Mallison Bridge in Exeter. The criteria for this fund was to support priority schemes that did not attract funding in the March 2023 announcement.

### **3. QUESTION FROM COUNCILLOR BARNES**

#### **Re: Highways consultations**

Could the cabinet member outline what this council would do differently on future highways consultations given the local feedback about the initial two consultations undertaken in 2020 and 2021 as part of the Heavitree and Whipton Streets project?

#### **REPLY BY COUNCILLOR HUGHES**

There is no 'one size fits all' approach to public consultation and the Council needs to ensure that it takes a fair and proportionate approach, for instance considering the geographical extent of the scheme, the demographic make-up of the local area and any specific needs identified, and the key stakeholders likely to be impacted by the proposals. The stage of the development of the scheme, i.e. whether it is at concept or detailed design stage is also an important consideration and may require a different scale of engagement. I am aware that you met with the Director of Climate Change, Environment and Transport along with other officers on 12th April 2023 and agreed the approach that was taken on the Heavitree and Whipton Streets project. Having reviewed the minutes of the Exeter Highways and Traffic Orders Committee meeting on 20th June 2023, concerns were raised about the extent and coverage of past informal consultations and I understand that steps have been taken to address this during the consultation phase of the trial with further engagement with stakeholders and face-to-face exhibitions. I'm sure that learning from this will be considered in future public engagement on highway schemes.

### **4. QUESTION FROM COUNCILLOR BIEDERMAN**

#### **Re: Devon County Council policy and the process for making loans to other authorities**

- Can the council confirm it has made a loan to Woking Borough Council?
- How much the loan is for?
- When was this decision taken?
- What involvement did members have in the decision?
- Why would we lend money to another authority, if the article is correct, it was already known they were in financial difficulty?
- When will we be getting our money back?
- Are you confident, we will get it back?
- How much will our return be on the Loan?

## REPLY BY COUNCILLOR TWISS

As part of Devon's Treasury Management, the Devon County Council (DCC), like many other upper tier authorities, does on occasion loan sums to lower tier councils, earning interest on the repayment, which in turn is used to fund its own local services. This is common and normal practice.

"DCC made such a loan of £5 million to Woking Borough Council in March this year. The loan had been agreed in advance via brokers on February 17, well before the full extent of Woking's financial difficulties became clear, and all the correct governance procedures were followed.

No local authority has ever defaulted on the repayment of an inter-local authority loan.

## 5. QUESTION FROM COUNCILLOR CONNETT Re: Tip Tax and new Government Policy

- Is the Council aware that the Government has ordered the scrapping of Devon's 'tip tax' from the end of this month (December 2023) and that households will no longer have to pay to get rid of DIY waste.
- If not already done so, will the Leader of the Council commit today to giving the people of Devon an early Christmas present and immediately scrap the waste charges
- What is the income the council has budgeted to receive and received (to date) from DIY waste charges in 2023/24?
- How much has the council received in 'tip charges' since the administration introduced the fees for using the council recycling centres?
- Does the Leader of the Council agree that "The Government clarified the law in 2015 that local taxpayers should not be charged for disposing of household waste at civic amenity sites – scrapping backdoor "tip taxes" and that "It has also repeatedly stated that councils should not be charging for such DIY household waste disposal either."?

## REPLY BY COUNCILLOR CROAD

The Council is aware. A paper is being presented at Cabinet on 13<sup>th</sup> December 2023.

Preparations are being made to comply with the new legislation from the 31<sup>st</sup> December 2023 when it legally comes in to force. The new Regulations only apply to a small quantity of DIY Waste and charges can remain for DIY waste in excess of a 'free allowance'.

In 2011, as a result of budget reductions, DCC decided that it could no longer sustain accepting such discretionary/non-statutory waste on a free-of-charge basis. DIY waste charging was therefore introduced at the time as the most pragmatic way of managing the budget reductions whilst still providing a good service to local residents. Over £1m savings were delivered as a result of the charging scheme in the first year of its implementation.

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At the DCC Household Waste Recycling Centres (HWRCs), any waste charges payable (including VAT) are made directly to the site contractor who manages the scheme and arranges for the management, transport and disposal of the waste material.

It is recognised that it has been government opinion that small amounts of DIY waste should be accepted at HWRCs free of charge. However, this opinion was not supported by the legislation in place at the time. As such, and to legally clarify the position, Government have now formally amended the legislation to allow for small quantities of DIY waste to be accepted for free and this will come into force from 31<sup>st</sup> December 2023. Details of this legislative amendment can be found here:- [The Controlled Waste \(England and Wales\) \(Amendment\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#)

## 6. QUESTION FROM COUNCILLOR CONNETT Re: Highways Emergency Calls

- Will the Cabinet Member confirm the correct council telephone number that members of the public should use to report a highways emergency?
- Will the Cabinet Member report on whether there is a target response time for calls to the emergency number to be answered?
- Will the Cabinet Member report on the number and percentage of calls to the highways' emergency number answered within the target time in the last and current financial year to date?

## REPLY BY COUNCILLOR HUGHES

The Customer Service Centre contact number is 0345 155 1004 – if this number is called out of hour and the call is a highways emergency the caller is directed to call 0345 155 1008.

The current internal target is to answer 50% of all calls within 25 seconds and 70% of calls within 120 seconds, this target is currently being reviewed and benchmarked with other Local Authorities.

Further performance information will be collated by officers in relation to call answering and target times.

## 7. QUESTION FROM COUNCILLOR CONNETT Re: Schools in Devon

- Will the Cabinet Member set out the dates when each school in Devon joined or became an Academy?
- Will the Cabinet Member list the schools in Devon which remain 'independent' and under the umbrella of Devon County Council?
- How many schools not under the control of Devon County Council and does the council's media and communications team provide a service to and what is the anticipated fee income for 2023/24?

## REPLY BY COUNCILLOR LEADBETTER

Awaiting response

## 8. QUESTION FROM COUNCILLOR BAILEY

**Re: Otter Trail**

The Otter Trail is a proposed multi use trail between Feniton and Sidmouth via Tipton St John which would bring enormous health and other benefits to the Otter Valley and wider area. At the cabinet meeting of 2nd February 2023 I asked the portfolio about securing funding to progress the Otter Trail. I was advised that the County Council is developing a Countywide Local Cycling and Walking Infrastructure Plan (LCWIP) to refresh and prioritise its long-distance multi-use trails in line with the Government's Cycling and Walking Investment Strategy and that the Otter Trail Group should engage with this. As yet, I am not aware that there has been any consultation on the East Devon LCWIP, can you please advise when the consultation is going to take place so that the Otter Trail can make representations as part of this process.

## REPLY FROM COUNCILLOR HUGHES

The East Devon Local Cycling and Walking Infrastructure Plan (LCWIP) is an extension of the Exeter LCWIP, focusing on the growth areas on the eastern edge of Exeter, where there is greatest potential to secure developer funding for new active travel schemes. The Countywide LCWIP is also under development and will cover long distance multi-use trails, including the Otter Trail. A public consultation is being planned for the Countywide LCWIP in Spring 2024 and I would encourage representations to be made through this process.

## 9. QUESTION FROM COUNCILLOR BAILEY

**Re: Completion of existing trails**

In his response to me of the 2nd February 2023 the portfolio holder also advised me that the priority was to complete sections of existing trails. Can you advise me how close to completion the existing trails are and what the latest timescales are.

## REPLY FROM COUNCILLOR HUGHES

As set out in my response to your questions in February, due to pressures on the capital programme Devon County Council has had to prioritise its limited local funding on completing the missing gaps in our existing rural, leisure trails. This has continued to be the approach, with the Wray Valley Trail completed in recent years and the final section between Seaton and Colyford currently on site. We have also recently secured funds from the Active Travel Fund to progress the missing gaps in the Tarka Trail between Knowle and Willingcott; however, the remaining sections still require substantial sums of funding and will take several years to deliver. Funding and land is also required to progress the Teign Estuary Trail, and I welcome the Teignbridge District Council commitment made on 28 November 2023 of £1m from Community Infrastructure Levy (CIL) funds to enable further work on the project. The Countywide LCWIP will provide a stronger basis for securing future funding and helping us prioritise any investment to the areas with the greatest potential to increase walking and cycling levels.

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**10. QUESTION FROM COUNCILLOR BAILEY**  
**Re: Cycling and Multi-Use Trail Strategy**

Please can the portfolio holder advise when and if DCC will be updating its Cycling and Multi Use Trail Strategy or whether this is being superseded by the Countywide Local Cycling and Walking Infrastructure Plan.

**REPLY FROM COUNCILLOR HUGHES**

There are no plans to update the Cycling and Multi-Use Trail Network Strategy. In line with the Government's Cycling and Walking Investment Strategy expectations, Local Cycling and Walking Infrastructure Plans (LCWIPs) are the new, long-term plans to identify local cycling, walking and wheeling improvements. The Countywide LCWIP will become the primary document setting out an evidence based approach for making progress with our long-distance multi-use trails. This will sit alongside locality based LCWIPs including the Exeter, Heart of Teignbridge and Barnstaple, Bideford and Northam plans expected for consideration by Cabinet in January, and the emerging plans for the growth areas of East Devon and Mid Devon.

**11. QUESTION FROM COUNCILLOR BAILEY**  
**Re: Funding for Otter Trail**

Please would the portfolio holder meet with me and representatives from the Otter Trail and relevant DCC officers to discuss potential sources of funding outside DCC.

**REPLY FROM COUNCILLOR HUGHES**

Further progress will require external funding and unfortunately, previous efforts to progress the Otter Trail have been unsuccessful with a bid in 2019 to the Rural Development Programme for England failing to attract funding. A route feasibility study by Sustrans concluded that the trail can only be realised over time and tackling sections as stand-alone projects. The Countywide LCWIP will formalise the process for prioritising routes and investment across the County. A public consultation is being planned in Spring 2024, with an opportunity for people to provide feedback regarding specific routes. In the meantime, I would be happy to seek dates in the new year to arrange a meeting as requested.

**12. QUESTION FROM COUNCILLOR BAILEY**  
**Re: Redbridge**

The Redbridge provides a vital pedestrian link between Newton Poppleford and Harpford as well as forming part of the East Devon Way. Please can the portfolio holder advise what progress has been made in the long running negotiations in an attempt to reach an agreement between the landowner and DCC for the relocation of the bridge.

**REPLY FROM COUNCILLOR HUGHES**



As reported at Council on 25 May, public access across the footbridge over the River Otter between Newton Poppleford and Harford (Newton Poppleford and Harford Footpath 16) is of significant importance. The current footbridge remains open and available for public use, with condition routinely monitored by an appropriately qualified engineer, alongside regular and reactive path checks carried out by the area public rights of way warden. Localised planting of willow is being programmed for this winter along the most eroded section of riverbank on the Harford side of the bridge, to help improve bank stability.

Landowner negotiations are continuing in order to facilitate construction of a new, replacement bridge, a short distance downstream of the current location, alongside the necessary public footpath diversions. Agreement has not yet been secured. Should the landowner(s) be unsupportive, use of compulsory purchase powers may be appropriate, details of which are currently being assessed.

**13. QUESTION FROM COUNCILLOR BAILEY**  
**Re: Streetlight in Otterton**

Residents of Otterton have been waiting for over two months for a streetlight on Fore Street to be fixed and at the time of writing it remains out of operation. Lighting is particularly important due to the proximity of the road to the leat which is several feet lower than the level of the road. When I complained about the delays, I was advised that the contractor is experiencing recruitment issues and so no updates on timescales for works are being given. This is clearly unacceptable – please can the portfolio holder advise when the streetlight will be fixed.

**REPLY BY COUNCILLOR HUGHES**

Officers have discussed this matter with our contractor. We are aware of three street lighting outages in Otterton, these were all programmed for repair on Monday (04/12/23).

As always with street lighting issues, I would urge you to continue to report any faults via the 'Report a Problem' web pages.

**14. QUESTION FROM COUNCILLOR BAILEY**  
**Re: Funding for 20mph schemes**

Please can the portfolio holder advise me how much funding he is proposing for 20mph schemes for 2024-5 and when communities will be able to submit expressions of interest.

**REPLY BY COUNCILLOR HUGHES**

£150,000 has been provided from the Transport Capital Programme for the delivery of 20mph speed limits. Members will be invited to submit expressions of interest in the new year. If a community has previously made a submission they need not do so again, these will be considered with any new submissions received.

**15. QUESTION FROM COUNCILLOR BAILEY**

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## **Re: Cost of clean-up operation after floods**

Please can the portfolio holder advise me what is the estimated cost to Devon County Council of the clean-up operation after the floods of 9<sup>th</sup> May 2023 and how this is apportioned between drainage, repairs, road clearance etc etc and the various locations which flooded.

## **REPLY BY COUNCILLOR HUGHES**

The response and recovery works following the East Devon flood event on 9th May is estimated to have cost the County Council £1.1m

The various works carried out in various locations by different contractors cannot be simply identified through our current finance system meaning I am unable to provide you with an accurate split across functions.

## **16. QUESTION FROM COUNCILLOR BAILEY**

### **Re: Legal status of comments made in the name of Health Scrutiny Committee**

Please can the council be advised on the legal status of formal comments made in the name of Devon County Council's health scrutiny committee on various NHS trusts quality accounts that have been neither seen nor authorised by members of the committee.

## **REPLY BY COUNCILLOR RANDALL JOHNSON, CHAIR OF HEALTH AND ADULT CARE SCRUTINY COMMITTEE**

The 2022-3 Quality Accounts of the Royal Devon University Healthcare NHS Foundation Trust have not to date been circulated to the wider membership of the Committee. The Scrutiny Officer for Health and Adult Care Scrutiny worked with the Chair to draft a response to the provider Quality Accounts received to date this year (as has been the longstanding protocol). Prior to the 2020 Covid-19 pandemic, Task Group style sessions were held with the health providers to discuss their Quality Accounts and wider performance. The Scrutiny Officer has through the summer been in conversation with the Chair about how best to reinstate those sessions with the providers and is in the process of setting up a meeting later in the Autumn with the Trusts from which a report will be presented to Committee.

## **17. QUESTION FROM COUNCILLOR LEAVER**

### **Re: Potholes repairs**

At the last Council I asked for clarification about how the £3.91million additional money for dealing with potholes that the Department of Transport had given the council had been allocated and spent. This funding was hailed as being specifically for mending potholes. I received a written response which states that the £3.91 million was allocated to "carriageway improvements" to be carried out in the 2023/24 financial year, and that the intention was to "improve the condition of the carriageway asset and reduce future deterioration". The written reply I received did not provide clarity about how much of the £3.91million had been allocated to or spent on mending Potholes.

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- Has the budget for carriageway improvements, to improve the condition of the carriageway asset and reduce further deterioration, been increased by £3.91 million in 2023/24, and is this in addition to the existing budget for general roads maintenance?
- Does the budget for carriageway improvements, to improve the condition of the carriageway asset and reduce further deterioration, refer to the general roads' maintenance budget, to mending potholes or to other projects. Can the Leader give details of what specific schemes, activities and projects the £3.91million is allocated to within that budget?
- Can the Leader tell me how much of the £3.91 million has been used for mending potholes in 2023/24?
- Can the leader of the council confirm that all the £3.91 million additional money the government gave to DCC last year to address the problem of potholes in the county will be spent to mend potholes in addition to the previously existing budget for mending potholes.
- What additionality has there been as a result of the Department of Transport giving the council an extra £3.91 million to mend potholes?

## REPLY BY COUNCILLOR HUGHES

Your previous question in September referred to the additional £9.391Million announced by Government on 17 March 2023 and I assume these questions do also. I can confirm that the annual budget has been increased by this amount and details were provided in the cabinet report outlining the 2023/24 highway programme which was approved on 12 April 2023.

The additional funding was allocated as enhanced funding across various carriageway programmes and this is outlined in the cabinet report referred to above. Consequently, it was not directed at specific schemes within the overall programmes. However, the additional funding has enabled many more individual schemes to be completed.

There is a separate revenue budget which is used to repair potholes. The additional £9.391 capital funding was awarded to Councils by the Department for Transport (DfT) 'so they can most effectively spend this funding on maintaining and improving their respective network, based upon their local knowledge, circumstances and priorities.' In line with national highway asset management guidance, the funding has been directed at renewing road surfaces in order to prevent potholes forming in the first place.

The additional £9.391 funding has been most welcome and has

- Enabled the Council to meet the strategic target of preventing further deterioration and maintaining the overall condition The A and B road networks in a steady state
- Enabled an increased response to minor patch repairs across the network using conventional patching repairs.
- Enabled innovation such as a countywide trial of a Elastomac which reduces both the time of repairs and the associated excavation and waste involved in repairs.

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## 18. QUESTION FROM COUNCILLOR LEAVER

### Re: Drain maintenance

One of the Tough Choices taken by this council some 12 years ago was the move from annual to three yearly drain, or gully, clearance on many roads in Devon. Can the Leader tell me if there have been problems resulting from reduced clearance of leaves and other debris, and has there been an increase in localised flooding on Devon's roads?

### REPLY BY COUNCILLOR HUGHES

The Devon Highway Infrastructure Asset Management Plan recognises that gullies are the main asset feature used to remove water from the road, so the frequency of inspection, cleansing and repair is critical to the safe operation of the network. Gullies on the main roads, including the salting network and all rural roads are cleansed on an annual basis to clear the build-up of any detritus or silt. This is unchanged following the Tough Choices Campaign. Gullies on all other minor urban routes are cleaned on a 3-year cycle. Some gullies in known flooding hot spots are cleaned at enhanced frequencies.

It should be noted that since the Tough Choices campaign, asset inventory and data has been significantly improved and increased enabling a more response service.

There is no evidence that there been an increase in localised flooding on Devon's roads as a result of changes to the gully cleaning frequency. It's the District Council who are responsible for sweeping.

## 19. QUESTION FROM COUNCILLOR COX

### Re: Licence for trade dumpsters

Devon County Council issues 'pavement licences' for tables and chairs on the Highway. Should Devon County Council introduce a similar scheme for trade dumpsters stored on the Highway?

### REPLY BY COUNCILLOR HUGHES

The Highways and Traffic Management Service is unable to establish a licence scheme as the law on highway obstruction is not clear with regard to these types of bins. There is a grey area because they are on wheels and can be moved.

Where these bins are causing a nuisance, Neighbourhood Highways Team address issues directly with traders and waste companies direct recognising that in some cases business have no alternative location to locate a bin.

## 20. QUESTION FROM COUNCILLOR WHITTON

### Re: Role of District Councils in Devolution deal

The Chancellor announced in the publication of the Autumn Statement that the Government is in advanced discussions to agree a Level 2 non-mayoral deal with Devon and Torbay. Can the Leader explain the role that the district councils

in Devon will have in these discussions and any subsequent decisions about a possible deal?

## **REPLY BY COUNCILLOR HART**

District Councils have been involved throughout the development of a Devolution Deal for Devon, with the Chair of the Devon District Forum and lead Chief Executive representing the eight authorities and officers at senior level meetings. This has included participating in meetings with The Levelling Up Minister in London and during a visit to Devon. At an officer level Districts have been at meetings with Departments discussing and agreeing elements of the deal text including Housing, have commented on the whole deal text drafts and attended a weekly senior officer progress meeting. This approach remains in place going forward and is not changing in light of the withdrawal of Plymouth City Council from the process.

The Levelling Up and Regeneration Act (LURA) identifies County Councils and Unitary Authorities as Constituent Members of a Combined County Authority. Constituent Members are required to gain Council approval to accept a Devolution Deal and to create a Combined County Authority. District Councils are not required to do the same, although a number of District Authorities have taken update reports on devolution through their Councils.

Part of the process of setting up a Combined County Authority includes a public consultation and District Councils, along with local Councils, businesses, residents education and skills providers and other stakeholders, along with the public can submit responses during this process.

## **21. QUESTION FROM COUNCILLOR HODGSON Re: Plymouth & South Devon Freeport**

Will recent announcements regarding South Hams District Council's (SHDC) change of plans regarding the Langage site and Plymouth City Council's (PCC) finances where SHDC has switched its main investment from the main Langage site (where the intention was to purchase additional land) to be invested in the Sherford site instead, and the alleged refusal of Grant Thornton, the Council's auditors at PCC, refusing to sign off the 2019/20 annual accounts due to PCC using a Treasury Loan of £70M loan to help finance their £100M pension fund deficit instead of the capital projects it was intended for, provide DCC with an opportunity to rethink of its own £15M involvement in this contentious project?

## **REPLY BY COUNCILLOR HART**

The overall potential job and economic growth benefits from the Freeport remain. It is therefore the County Council's intention to continue to support the designation including the capital investment agreed previously by Cabinet. The recent Autumn Statement announcements to extend Freeport Tax Relief until September 2031 and the £150 million Investment Opportunity Fund to secure business investment opportunities available over the next five years for Freeports are welcome incentives and should stimulate additional opportunities to secure inward investment and high value jobs into the Freeport benefitting Devon.

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All capital schemes within the Freeport Full Business Case are required to complete a business case before drawing down the capital SEED funding, and any required match funding from a local authority partner. This is the case for the three schemes that the County Council intends to deliver to unlock the two employment sites within the South Hams. There is also a project change process which is being followed to make changes to the South Hams scheme referred to in the question, which is signed off by Government. Plymouth City Council is responsible for addressing the situation with their pension fund and not the County Council. As the Accountable Body for the Freeport, Plymouth City Council have not indicated any change to their investment and support to the Freeport.

## **22. QUESTION FROM COUNCILLOR HODGSON Re: Closure of Residential Care Homes.**

The closure of two care homes in my division just this year is causing huge concern and distress to many residents. I'm very aware the same is happening in other Devon divisions. Surely the responsibility for adult social care is with this Council to ensure that all residents affected by such closures should have the new opportunities available to them before they are simply faced with eviction. What is DCC doing to avoid what could be a crisis for care in the making?

## **REPLY BY COUNCILLOR MCINNES**

Through the Care Act we have market sufficiency duties. This means we need to ensure that there is an adequate and diverse market of high-quality care and support services to meet the needs of people in Devon. Our duties are to the whole market rather than individual providers. As is the case in any market, providers may leave from time to time, sometimes because they have failed financially, sold to or taken over by another provider.

In 2023, 7 out of 314 closed, and in some cases this is because the environment was not fit for purpose. A number of care homes in Devon were built prior to 1980 with only 4% being built since 2016. The council ensures that if a closure is inevitable it works together with all parties to minimise disruption for the people receiving care. We benchmark well in terms of what we pay to ensure the market remains sustainable and sufficient.

Should a care provider fail financially and services cease, we must take steps to ensure that all people receiving care do not experience a gap in the services they need. For some people, that may only require the provision of information and advice on alternative services available locally, to help them choose a new provider. For others, it may require active arrangement of care with a different provider for a period of time, to ensure continuity. The steps will depend on the circumstances of the provider failure and the nature of support the person wants from the authority.

We work closely with the independent provider market to ensure we are aware, in as good time as possible, of any individual provider that may be experiencing difficulties. We have a provider failure policy that guides our response when individual providers do fail. For community and residential/nursing services, the proportion achieving a Good or Outstanding rating in Devon exceeds all

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comparator averages and has done so consistently for some years. As at 1 October 2023, the Devon profile is as follows: Residential/Nursing Care: 87% and for Community Based Services: 80%

What we do need is a market that meets care needs, and in the way people want, as that changes over time. We work with providers to help them develop their business model to be fit for the future, for what we know people will need and what we will want to commission. Our Market Sustainability Plan (MSP) sets out how we ensure a sustainable market, and our Market Position Statement(MPS) sets out likely future demand to help providers shape and grow their own services. Our MSP was published late last year, and our MPS is currently being reviewed and updated after it was placed on hold through Covid and the subsequent market recovery period (in common with many other Local Authorities).

