

COUNCIL

12 May 2016

Present:-

Chairman: C Channon

Vice-Chairman: J Mathews

Councillors K Ball, S Barker, J Berry, F Biederman, J Brazil, J Brook, C Chugg, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, A Dewhirst, G Dezart, P Diviani, A Eastman, R Edgell, M Edmunds, O Foggin, R Gilbert, B Greenslade, G Gribble, R Hannaford, A Hannan, J Hart, J Hawkins, R Hill, G Hook, R Hosking, B Hughes, S Hughes, R Julian, J Knight, A Leadbetter, J McInnes, E Morse, A Moulding, B Parsons, P Prowse, R Radford, S Randall-Johnson, R Rowe, P Sanders, D Sellis, R Vint, N Way, R Westlake, E Wragg, C Wright, J Yabsley and R Younger-Ross

Apologies:-

Councillors E Barisic, A Boyd, P Bowden, C Clarence, T Dempster, D Hannon, J Hone, J Owen and M Squires

1 Election of Chairman

Councillor Diviani **MOVED** and Councillor Knight **SECONDED** that Councillor Moulding be elected Chairman of Devon County Council for the ensuing year.

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

COUNCILLOR MOULDING IN THE CHAIR

The Chairman and Group Leaders expressed their gratitude to the immediate past Chairman for her service during her year of office: Councillor Channon responded.

2 Election of Vice Chairman

Councillor Hawkins **MOVED** and Councillor Gilbert **SECONDED** that Councillor Rowe be elected Vice Chairman of Devon County Council for the ensuing year.

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

The Chairman, immediate past Chairman and Group Leaders thanked the immediate past Vice-Chairman for his services and support to the former Chairman during her year of office. Councillor Mathews responded.

3 Appointment of Deputy Leader of the Council

Councillor Hart, the Leader of the Council, **MOVED** and Councillor S Hughes **SECONDED** that Councillor Clatworthy be appointed Deputy Leader of Devon County Council for the ensuing year.

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

4 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 18 February 2016 be signed as a correct record.

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

5 Chairman's Announcements

The Chairman reported that the County Council had again achieved the standard required to be awarded the SW Charter for Member Development at Charter plus level for a further 3 years and congratulated all those involved, Members and Officers alike, in that achievement; the Assessors having complimented the Council in particular on building upon its engagement with the community through its work Town and Parish Councils and partnership working generally.

6 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

7 Petitions from Members of the Council

There was no petition received from a Member of the Council.

8 Public Participation: Petitions or Questions or Oral Representations

There was no petition or question received from a member of the public.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by a Ms H Collinson on a matter relating to the functions of the Council; namely that the Council should apply greater scrutiny to companies bidding for Council contracts in line with Government guidance and as outlined in the Notice of Motion to be considered by the Council (Minute 15 below refers).

The Chairman responded, thanking Ms Collinson for her attendance and presentation, acknowledging that her representations had been heard by Members and relevant Officers and would undoubtedly be taken into account when the matter was discussed later at this meeting.

9 Appointment of Committees

Councillor S Hughes **MOVED** and Councillor Way **SECONDED**:

(a) that the Council adopts the Committee structure shown in the Appendices circulated at the meeting with terms of reference set out in the Council's Constitution;

(b) that the Council appoints Committees, Joint Committees and Working Parties/Panels each with the total number of voting and non-members as shown in the Appendix circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2017;

(c) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (b) above, as set out for the time being in the Appendix circulated at the meeting;

(d) that the Council note those members shown in the Appendix circulated at the meeting appointed by the Leader of the Council to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Annual Meeting of the Council in 2017;

(e) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council;

(f) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee, the Farms Estate Committee and the Devon Pension Board as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring on the date of the Annual Meeting of the Council in 2017 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representative on the People's Scrutiny Committee, following a ballot of eligible parent governors;

(g) that Independent Persons be appointed under s28(7) of the Localism Act 2011 and The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015) to advise the Council on complaints received under the Council's Standards/Conduct regime and on the dismissal of certain statutory Chief Officers as detailed in the aforementioned Appendix, for the period expiring on the date of the Annual Meeting of the Council in 2017'.

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

10 Appointment of Chairmen and Vice-Chairmen of Committees

Councillor S Hughes **MOVED** and Councillor Way **SECONDED**:

"that members shown in the Appendix circulated at the meeting be appointed Chairmen and Vice-Chairmen of Committees as indicated therein to hold office until the date of the Annual Meeting of the Council in 2017".

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

11 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 12 questions submitted by Members of the Council on Civil Parking Enforcement on Bank Holidays, Parking Meters, the allocation of additional funding from the Government's Pothole Action Fund, South Devon Highway retaining walls and abutments, highway signage in Kingskerswell, the 'Our Services Our Say' campaign on transparency and accountability within the Council's decision making process, the implications of the Academisation of Schools for future s106 planning agreements, the impact of car emissions on health, progress with the introduction of LED street lighting in Barnstaple and the Totnes One Way System Appeal Court Judgement.

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

[NB: 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]

12 Cabinet Member Reports

The Council received reports, written and oral, from 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 Greenslade, on progress with the HOSW devolution bid and advised that a response to repeated requests for a meeting with the Minister to discuss the HOSW bid was still awaited. He recognised the increasing concerns expressed over the imposition of a Mayoral system about which as yet there was no clarification and reiterated his view that any final proposal must be beneficial to Devon.

(b) Economy, Growth & Cabinet Liaison for Exeter

(Councillors Connett and Greenslade each declared a personal interest in this matter by virtue, respectively, of being a non Executive Director of Exeter Airport and member of his household being employed at the Airport).

Councillor Leadbetter commented, as requested by Councillor Hannaford, on the practicability of a direct rail link for Exeter Airport confirming that the Council had not undertaken or instigated any recent feasibility study for such a link because the Airport was considered too remote from existing railway lines and providing a direct rail connection was therefore adjudged to be prohibitively expensive. He nonetheless undertook to re-examine the feasibility study undertaken some years ago when the Airport was in the ownership of the County Council but also acknowledged that bus/taxi links could be introduced from Cranbrook Station should future demand support that, recognising that should there be continued growth at both the Airport and Cranbrook there was scope to enhance the interchange facilities at Cranbrook Station.

(c) Children, Schools and Skills

Councillor McInnes commented, as requested by Councillor Hook, upon the Government's recent announcements relating to Schools becoming academies and the action already taken by the Council to ensure its views (Cabinet Minute 5 and Minute 9 above refer) were taken into account and the impact in Devon on educational provision should the Government's 'aspirations' be achieved.

Councillor McInnes also circulated a Report ([CS/16/20](#)) summarising, as requested by Councillor Connett, the position with regard to (a) health assessments for children in care provided by the NEW Devon CCG and containing data on the numbers and progress with assessments undertaken in the past 12 months while also acknowledging the role of the Council as Corporate Parents to hold the CCG to account. That Report also set out data obtained from the NEW Devon CCG (the Lead Commissioner for the Virgin Care contract) on the Child and Adolescent Mental health Services, specifically on referrals and treatment times as requested. The Cabinet Member's Report re-affirmed the Council's aspirations for more effective early help and systematic joint working for children with complex needs to improve the position in the above service areas recognising the concerns expressed about service levels and the need to maintain and build upon the improvements already made. The Cabinet Member would welcome the involvement of the relevant Scrutiny Committee in these issues, as always.

(d) Highways Management & Flood Protection

Councillor Hughes circulated a Report ([CS/16/20](#)) commenting, as requested by Councillors Dewhirst and Connett, upon a recent misleading report in the media concerning the imposition of fines for pavement parking which had appeared to conflate a number of separate issues and upon the future, funding and availability of the school crossing patrol service in Devon.

The Cabinet Member's Report summarised the continuing action being taken by the Council to seek a satisfactory solution to the problems caused by pavement parking and repeated his request that Members contact him with any specific examples of wrongdoing which could be used in support of the Council's case for change. In relation to school crossing patrols, all

relevant issues would necessarily be explored by both the Cabinet and this Council when considering the Notice of Motion on this same matter referred to below (Minute 17 refers).

In response to a question on the operational procedures and controls for surface dressing of the highway, the Cabinet Member undertook to look into and respond to the County Councillor for Crediton Rural on works recently undertaken which had not apparently been carried out in a satisfactory manner.

(e) Adult Social Care & Health Services

Councillor Barker circulated a Report (CS/16/20) commenting, as requested by Councillor Connett, upon:

- recent reports in the media on the financial viability and possible closure of residential care and nursing homes in Devon and on the fees paid by the County Council for care places; and
- the effectiveness of the current arrangements for delayed transfers of care/hospital discharges and the adequacy of domiciliary care provision across the county, supported by relevant data.

He also responded to questions on the recruitment domiciliary care staff and the options for residential care, endorsing the need for ever closer working and integration with the NHS to enable the County Council to influence future delivery of health and social care services.

(f) Community & Environmental Services

(Councillor Greenslade declared a personal interest in this matter by virtue of a relative being a serving police officer and Councillors Mathews and Sanders both declared a personal interest by virtue of being members of a Police & Crime Panel).

Councillor Croad commented, in his capacity as Chairman of the Devon & Cornwall Police & Crime Panel and as requested by Councillor Connett, on the Panel's future consideration of any issues arising from the investigation into allegations relating to the Devon & Cornwall Police & Crime Commissioner, recently announced by the Chief Constable. He confirmed that a meeting of that Panel was being convened for 27 May 2016 to consider the actions of the newly elected Commissioner in the discharge of her duties: the Panel would not be considering the allegations or investigation now referred to by Members of the Council.

Councillor Connett then **MOVED** and Councillor Wright **SECONDED** that in accordance with Standing Order 30, Standing Orders be suspended to in order that the Council might consider a proposal on the Police & Crime Commissioners conduct pending the outcome of any investigation.

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

[In accordance with Standing Order 32(4) Councillor Connett (as Leader of a Political Group) asked that the number of votes for and against the above decision be recorded in the minutes; being - For,18; Against 22].

13 Minutes

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

Investment & Pension	-	26 February 2016
Appeals	-	14 March, 11 April & 9 May 2016
Standards	-	14 March 2016
Public Rights of Way	-	17 March 2016
Audit	-	23 March 2016

Procedures	-	18 April 2016
Development Management	-	27 April 2016
Place Scrutiny	-	7 March 2016
Health & Wellbeing Scrutiny	-	8 March 2016
Peoples Scrutiny	-	21 March 2016
Corporate Services Scrutiny	-	24 March 2016
Appointments & Remuneration	-	11 May 2016

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

14 Scrutiny Annual Report 2015/2016

The Council received and endorsed the 2015/16 Annual Report summarising the activities and investigations undertaken by each of the Council's four Scrutiny Committees during the course of the year and the outcomes arising therefrom and the continuing challenges and development of the Scrutiny role over that period.

The Chairman of the Corporate Services Scrutiny Committee paid tribute, on behalf of the Chairmen of Scrutiny Committees, to the efforts of all Members involved in the work of those Committees and Task Groups and to the support provided by Officers to facilitate the work of scrutiny in Devon; advocating the continuing value of a strong, independent, scrutiny function to advise the Council. The other Scrutiny Committee Chairmen endorsed those remarks and also commented on the activities of their individual Committees.

In associating himself with the above remarks the Leader of the Council also expressed his thanks to the Council's Scrutiny Committees for the advice they had given to the Cabinet not only in the past year but over the previous two years, throughout this administration.

[NB: A copy of the Annual Report is available at:

<https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-annual-reports/>]

15 Notice of Motion: Future Railway Provision (Minute 173/18 February 2016)

Pursuant to Minute 173(d) of 18 February 2016 relating to the Notice of Motion previously submitted by Councillor Connett that:

'Great Western Railway (GWR) be congratulated on stepping forward with funding for essential Reports on the resilience of our rail networks after the Government failed to deliver on the Prime Minister's promises;

Devon County Council continues to make campaigning for rail reliance a priority'

and having had regard to Minute 488(b) of the Cabinet on 9 March 2016:

Councillor Clatworthy **MOVED** and Councillor Parsons **SECONDED** that the Cabinet's recommendation at Minute 488(b) be approved, namely that the County Council be recommended to accept the Notice of Motion as the Cabinet and the Peninsula Rail Task Force (PRTF) is committed to and will continue to make the strongest case for work to improve resilience at Cowley Bridge, Exeter and at Dawlish and across the Somerset Levels alongside improvements to the peninsula rail network in line with key aims of the PRTF which are to achieve improvements not only in relation to the resilience of the network but connectivity across the South West Peninsula railway.

The amendment was put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

16 **Notice of Motion: Taxation (Minute 173/18 February 2016)**

Pursuant to Minute 173(c) of 18 February 2016 relating to the Notice of Motion previously submitted by Councillor Wright that:

'This Council notes that:

- *tax avoidance by big business is rife and the Public Accounts Committee last year criticised HMRC for not doing more to tackle the problem;*
- *austerity measures mean that £174m funding has been cut from this council over the past five years;*
- *this year £34m will be lost - and many more millions are set to be lost in the coming years, prompting damaging service cuts;*
- *the Devon portion of avoided corporation tax could total around £380m;*
- *the practice of tax avoidance among corporate giants also has a negative effect on small and medium-sized companies who pay more tax proportionately;*
- *that tax evasion and avoidance by multinational companies is costing developing countries up to \$300bn a year, according to the IMF – more than these countries receive in aid*

This Council further notes:

In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts.

However, there are stricter standards available. This Council believes that bidders for council contracts should be asked to account for their past tax record, using the most rigorous possible government guidance (as in Procurement Policy Note 03/14.

This Council therefore calls for procurement procedures to be amended to require all companies bidding for council contracts to self-certify that they are fully tax-compliant in line with central government practice, using the standards in PPN 03/14, applying to contracts of the size specified above.

This Council asks the Cabinet to publicise this policy and to report on its implementation annually for the next three years.

NB. For more information about paying fairer tax, see <http://www.fairtaxmark.net/for-business/>

and having had regard to Cabinet Minutes 468/9 March and 17/13 April 2016 and also to the further representations referred to at Minute 8 above:

Councillor Clatworthy **MOVED** and Councillor Parsons **SECONDED** that, the Cabinet's recommendation at Minute 17/13 April 2016 be approved, namely that no further action be taken on the Notice of Motion for the time being in light of the action that is and will continue to be taken to comply with the Cabinet Office Directives (which currently forms part of its published procurement policies, as set out fully in Report BSS/16/5): provided also that in future instances of supplier non-compliance be published annually on the Council's website and that the Council's procurement policies would be updated automatically to comply with any further, revised and updated Government Guidance.

The amendment was put to the vote and declared **CARRIED**

Councillor Wright then **MOVED** and Councillor Biederman **SECONDED** that Cabinet Minute 17, as the substantive motion, be amended by the deletion after the word 'to' in the first line of the words 'take no further action on the Notice of Motion for the time being in light of the action that is and' and the substitution therefor of the words 'adopt the Notice

of Motion'.

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

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

17 **Notice of Motion: Protecting Devon's School Crossing Patrol Service**

Councillor Connett **MOVED** and Councillor Brazil **SECONDED** that:

To ensure the school crossing patrol service is protected and continues to operate, this council will ensure:

1. *all crossing patrol vacancies are promptly filled and not left vacant to help with 'vacancy management savings';*
2. *No school crossing patrol site will be deleted from the council's establishment without a report presented first to Place Scrutiny and Cabinet.*
3. *An annual 'state of the service' report is presented each February detailing the number of school crossing patrols, any vacancies in the preceding year, how long they have been vacant and the robust steps taken to fill posts; and*
4. *where it can be shown there is a proven need the Council will look favourably on new applications for a school crossing patrol.*

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

18 **Notice of Motion: Education Excellence Everywhere**

Councillor Hannan having, in accordance with Standing Order 6(3) and with the consent of the Council, amended the Notice of Motion originally submitted by him to read as hereinafter shown then **MOVED** and Councillor Brazil **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion be considered at this meeting.

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

Councillor Hannan then **MOVED** and Councillor Westlake **SECONDED** that:

'This Council notes that the Cabinet Member for Children, Schools and Skills, the Deputy Leader of the Council and the County Councillors Network along with many District and County Councils, of all political colours, have made statements that oppose various aspects of the changes to our education system proposed in the White Paper 'Education Excellence Everywhere'.

The Council welcomes the decision of the Secretary of State for Education to abandon plans to force all of England's schools that are still maintained by their local authorities to become academies. However, it regrets that some schools may still be forced to convert, including those in local authorities where academies are in a large majority, those in authorities whose maintained schools are deemed to be failing overall to meet a minimum performance threshold, and those seen as struggling or failing to improve sufficiently.

The Council remains concerned about other aspects of the White Paper and the government's continued commitment to full academisation, with regard to:

1. *School exclusions – giving schools from which excluded pupils originate the responsibility to fund AP (alternative provision such as placement in a pupil referral unit) and to continue to ensure the quality of their education. This makes informal exclusion more likely and encourages schools not to admit*

vulnerable children especially those with behaviour problems. There will also be problems providing for pupils already in referral units and for those who move with their parents to Devon from other local authorities.

2. *Further academisation making it more difficult for local authorities to ensure 'sufficiency of AP in their area' without the power to direct academy/free schools and without the AP funding which they currently use to commission pupil referral units as Devon does via Schools Company.*
3. *The lack of acknowledgement of the considerable additional costs falling upon local authorities in managing the transition of schools to academy status, and through having continuing responsibility for school transport and safeguarding.*
4. *The impact on small rural schools that could suffer 'a spiral of decline' if the networks to support them provided through the local authority were removed.*
5. *The diminution of the role of local authorities in undertaking school monitoring (holding schools to account) and providing support for school improvement.*
6. *The impact on vulnerable children with local authorities continuing to have a statutory responsibility for their education, but with very few powers to help them to fulfil that duty with more schools becoming academies.*

Therefore, this Council confirms its opposition to forced academisation and joins with others in expressing its concerns about other aspects of the White Paper, including those mentioned above, and will write to the Secretary of State for Education and to all Devon MPs to make its position clear and to ask for the proposed changes to be reconsidered'.

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

19 **Notice of Motion: Local Government Association and Academisation of Schools**

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

"County Council congratulates all those who have successfully lobbied and persuaded the Government to abandon its plans to force all schools to become academies. However County Council continues to have concerns that some schools may still be forced to become academies and resolves to support the LGA, CCN and others in ensuring all schools, which are not yet academies, have the opportunity to take their own "democratic" decisions about their status and not be forced by Government dictate to convert."

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

20 **Notice of Motion: Flood Alleviation and Investment**

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

"The County Council welcomes the recent report and conclusions by Cabinet in respect of flood alleviation in Devon: however the County Council is concerned that real needs will not be matched by the investment required to deliver within the time frame needed to protect communities from increased flood risk and therefore resolves that the County Council mount a sustained lobbying programme for increased funding from Government for flood alleviation seeking support from the LGA, CCN and Devon MP's."

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

21 Notice of Motion: Barnstaple Park and Ride

Councillor Greenslade **MOVED** and Councillor Mathews **SECONDED** that:

“Following the loss of the Park & Ride service for Barnstaple, County Council asks Cabinet to urgently find the ways and means of reinstating a Park & Ride service for Barnstaple at the earliest opportunity.”

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

[NOTES:

Prior to the commencement of the meeting, for those who wished to attend, a period of quiet reflection was led by Ms J Watson of the British Humanist Association.

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 were reproduced therewith for convenient reference) 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 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 2.16 pm and finished at 5.25 pm



QUESTIONS FROM MEMBERS OF THE COUNCIL

Thursday 12 May 2016

1. QUESTION FROM COUNCILLOR DEWHIRST
Re: Civil parking Enforcement

Does the Cabinet Member for Highway Management believe that the issue of parking tickets by our Council Civil Enforcement Officers is fair and not overzealous? If so, how can he condone the issue of parking tickets in Kingskerswell village on a Bank Holiday Monday morning for overstaying the parking restrictions in what is a residential area?

REPLY BY COUNCILLOR HUGHES

I believe officers have previously responded on the issue to you. Firstly, parking restrictions are introduced following a democratic process to meet the needs of communities. It seems strange to then suggest that they should not be enforced.

Kingskerswell is not a priority community for Bank Holiday enforcement, none the less occasional visits to enforce the restrictions is not unreasonable. Enforcement should be unpredictable to be an effective deterrent and may occur en-route to a higher priority location. Typically the parking enforcement team resources are directed to our most busy destinations, such as Newton Abbot, to aid traffic management.

As ever we would advise all highway users to check and adhere to the restrictions in place on the ground before parking.

2. QUESTION FROM COUNCILLOR DEWHIRST
Re: Civil parking Enforcement

Does the Cabinet Member for Highway Management think that Civil Enforcement Officers are helping promote the image of the County Council by descending on a quiet Devon village on a Bank Holiday Monday morning and ticketing residents who overstay their allotted parking time whilst ignoring the request of residents, Parish, District and County Councillors to attend to the appalling parking problems associated with Kingskerswell Primary School?

REPLY BY COUNCILLOR HUGHES

Our Operations Team are aware of the Member's request for enforcement at this location, over the past 2 months our team have made 3 visits to the school, no enforcement issues were observed and no Penalty Charge Notices issued.

3. QUESTION FROM COUNCILLOR DEWHIRST
Re: Civil Parking Enforcement

Does the Cabinet Member for Highway Management believe that it is appropriate for County Councillors to take up issues of unfairness and overzealous actions by County Council Civil Enforcement Officers? If so can he explain why his Officers do not think so and can he explain why a resident of Abbotskerswell should be ticketed in Forde Park when parked next to a sign announcing suspension of parking charges?

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REPLY BY COUNCILLOR HUGHES

I believe officers have previously responded on the issue to you, I don't think County Council time is best used to discuss individual cases, however for clarity the "sign announcing suspension of parking" was a paper Notice dating from 2014, which actually describes the Traffic Order applicable to the area becoming permanent. Whilst it would be preferred that out of date Notices be taken down to keep our streets looking as tidy as possible, it is reasonable to expect drivers to read any on-site notices in conjunction with permanent signage when deciding where to park.

If an individual believes they have been issued a Parking ticket in error or unfairly we advise they appeal, including their reasoning as per directions on the reverse of the Parking ticket. We as elected representatives need to be mindful of nationally issued guidance which states that elected representatives should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. That said where a Member believes the approach being taken by the service has been overzealous or unfair, their concerns will of course be investigated by appropriate officers.

4. QUESTION FROM COUNCILLOR HOOK Re: Parking Meters.

What % of council parking meters do not give change? What plans are there to rectify the situation, so that motorists do not find themselves being exploited due to lack of correct change? (i.e. when will all meters either give change or allow alternative measures of payment?)

REPLY BY COUNCILLOR HUGHES

No on-street pay and display machines provide change, this is typical nationally. Machines that provide change are sizeable, and costly. They are not suited to the high street environment and typically are used in off street pay on exit sites where single machines may serve several hundred spaces.

There has for many years been a cashless payment offering (by phone or through an app) in the vast majority of our pay & display schemes, which enabled the exact amount for parking to be charged to the motorist. We are looking to publicise the option of cashless payment further this year.

5. QUESTION FROM COUNCILLOR HOOK Re: Potholes

When will HATOCs and therefore local members know how the Governments new money for pothole repairs is to be allocated around the country?

REPLY BY COUNCILLOR HUGHES

Work is underway to use data gathered on pothole location and frequency to determine and tackle the roads most in need of repair within each Councillor division. The emphasis will be on preventative repairs such as patching and resurfacing works to add resilience to known trouble spots. This assessment will be completed by the end of May and Councillors will be advised of the value of the £1.95m funding which is to be allocated to their division. During the summer the Neighbourhood Highway Officer will discuss with the local County Councillor potential sites identified using the pothole data and any other sections of local road in a condition of concern to the Local Member. The costs of alternative repair treatments will also be shared so that a programme of work can be agreed to be completed within the current financial year.

6. QUESTION FROM COUNCILLOR DEWHIRST Re: South Devon Highway

Can the Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter say if he considers the finish of the stonework on the retaining walls and abutments on the South Devon

Highway, with its large areas of efflorescence (pictures can be supplied), to be of a suitable quality for the people of Devon? Or does he think it is “ok for Devon”?

REPLY BY COUNCILLOR LEADBETTER

The limestone finish on the retaining walls and bridge abutments has received a lot of positive feedback and generally we are very pleased with the appearance. The Limestone is a local stone and its use is appropriate in this area. The stone was won from within the site and has been reused resulting in a sustainable product: reducing waste, reducing haulage and transportation and reducing the need to quarry and import material. In addition to the structures identified in the contract to be clad in the Limestone, further structures were clad rather than using concrete panels, this improved the aesthetic appearance of the structures on the site. We are aware that there are some areas of staining. This is naturally occurring and is to be expected. These areas have been identified to the Contractor and we expect them to be cleaned.

7. QUESTION FROM COUNCILLOR DEWHIRST Re: Signing in Kingskerswell

Can the Economy, Growth and Cabinet Liaison for Exeter say why it is considered important that Kingskerswell residents and visitors should be denied signage of the route to Newton Abbot from the village? Engineers on the SDH say that “everyone in Kingskerswell knows where Newton Abbot is” and therefore there is no reason to signpost the town, rather signposting a settlement of nine houses and a quarry.

REPLY BY COUNCILLOR LEADBETTER

Newton Abbot is an important local destination and is signed from the A380. The most appropriate route into Newton Abbot from Kingskerswell is via Penn Inn junction where Newton Abbot is signed. The designers have considered the most appropriate destinations to include on traffic signs. The signs have been designed to give consistent messages and avoid signing proliferation. It is important that signs do not have too much information and that drivers are able to assimilate all the content of the direction signing. If Newton Abbot were to be signed from Kingskerswell then questions are likely to be raised over other destinations such as Paignton, Brixham, Totnes, Teignmouth, Dawlish and Kingsteignton.

The main destination in both directions are signed on entry to the dual carriageway, Torbay to the South and Exeter to the North. Once on the dual carriageway other destinations will be signed at the appropriate junction. It is also relevant to note that the quickest and most direct route to Newton Abbot from Kingskerswell is along Kingskerswell Road via Decoy. However this is not the most appropriate route and difficult for large vehicles.

I assume your reference to “a settlement of nine houses and a quarry” relates to Stoneycombe. This is signed at the Aller junction to enable drivers who have left the A380 at Aller junction looking for Stoneycombe to find the correct road to take.

8. QUESTION FROM COUNCILLOR HANNAN Re: Our Services Our Say Campaign

To what extent does this Council already meet the requirements set out in the ‘Our Services Our Say’ campaign, which is calling on councils to sign up to principles of transparency, accountability and people above profit? These principles (as set out at <http://weownit.org.uk/public-solutions/our-services-our-say>) would mean that important decisions about outsourcing do not get made behind closed doors, without proper scrutiny. Also, if the Council has not met all of these goals would Councillor Hart be willing to make a commitment to us doing so in the future?

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REPLY BY COUNCILLOR HART

I would suggest that the Council does abide by the principles of transparency and accountability and I have always ensured the Council makes decisions that are in the best interests of the people of Devon.

Services which are being considered for different models of delivery are subject to rigorous Consultation processes and we have a dedicated website for Consultations in respect of any changes in service delivery or provision <https://new.devon.gov.uk/haveyoursay/>. These are taken into account when Cabinet meets to consider the relevant options.

Whilst some of the issues in the campaign would require primary legislation (for example Freedom of Information applying to private providers), I would draw Councillor Hannan's attention to the action the Council is taking arising from the recent Scrutiny Task Group report 'Scrutiny in a Commissioning Council'. This explored the Council's approach to the scrutiny of commissioning processes and commissioned services; reflecting upon the changing face of the Council, how it delivered services and looking at the potential for strengthening communication and collaboration between Cabinet Members, Heads of Service and Scrutiny Committees in commissioning and reviewing services and the Cabinet accepted the Task Group's recommendations in full. Councillor Parsons is leading on how best to take the recommendations forward.

9. QUESTION FROM COUNCILLOR EDMUNDS

Re: Education Contributions and Community Infrastructure Levies

In the light of the announcement in the Government's Budget, that all schools will become academies, is it right that Devon County should still require developers to pay an educational contribution from S105/C.I.L.

REPLY BY COUNCILLOR LEADBETTER

The White Paper, Educational Excellence Everyone, stated that local education authorities duties will be focused on three areas including

'Ensuring every child has a school place: including that there are sufficient school, special school and alternative provision places to meet demand. Local authorities will retain responsibility for this in a fully academised system'

The response to planning applications and where necessary, securing funding from housing development, forms a key part of delivering this statutory responsibility. Therefore it is right that DCC continues to seek contributions (Section 106 or Community Infrastructure Levy) where requests meet the necessary tests as set out in planning guidance.

10. QUESTION FROM COUNCILLOR GREENSLADE

Re: Health Risks of Car Emissions

Will the Leader please note that I have received a letter from the Director of Public Health in response to my letter to him last October re the increasing health risks posed by car emissions.

Armed with this worrying evidence will the Leader please say what the County Council is going to do to address this growing health risk, now well documented by various professional bodies, particularly at the existing hot spots such as the centre of Braunton.

REPLY BY COUNCILLOR HART

There has been an increasing recognition of the contribution to ill-health of atmospheric pollution.

Whilst the trend in atmospheric pollution has been downwards since the 1970s, the variation in levels of pollution in different environments and the recognition that pollution could affect the heart and circulatory system as well as the lungs has led to a growing body of evidence about the effects of air pollution, both gaseous and particulate. It is this growing body of evidence that has

led to increasing interest from the Royal College of Physicians and the Government in continuing to reduce pollution.

However, this should not detract from the fact that the burden of disease from atmospheric pollution has in fact reduced substantially over the last half –century because levels of pollution have substantially reduced since the 1950s.

The Clean Air Act achieved a marked shift in reducing urban air pollution from industrial and domestic sources, and the recognition in the USA of the effect of traffic fumes on health in cities led to a drive to reduce pollution from cars through the use of catalytic converters. This has also happened in Europe, but with our much greater use of diesel cars we have also had a problem in reducing fine and ultrafine particles from vehicles.

Improvements in vehicle efficiency have reduced oxides of Nitrogen by 20% since 2008, and particulate emissions have also improved, however the reduction in particulate emissions has slowed in the last two years.

Overall, 14% of particulates derive from vehicles, and 30% of oxides of Nitrogen, so there are other contributors to atmospheric pollution as well as vehicles. One source of particulates that has been growing in recent years is wood combustion, which has been promoted as a zero carbon option.

Current strategies to reduce atmospheric pollution by vehicles;

- Promote and invest in alternatives to car travel, such as walking, cycling, public transport and park and ride;*
- Encourage behavioural change with travel plans, car clubs, new technologies that allow a more efficient use of the exiting road space;*
- Reduce the emissions from the vehicle fleet by taxation and potentially remove older vehicles from the road (scrappage);*
- Increase the number of ultra-low emission vehicles (ULEV). This has grown significantly in the last few years;*
- In some cases it may be possible to build a road scheme that relieves an air quality problem area (but may not reduce overall emissions). But these will to be the exception rather than the norm as they are expensive and have substantial planning implications.*

Rather than see this as a growing health risk, we should recognise this as a significant health issue, which has been successfully reduced in recent years, but where there is still potential to improve.

**11. QUESTION FROM COUNCILLOR GREENSLADE
Re: Upgrades to LED Street Lighting in Barnstaple**

The programme to upgrade street lights to lower wattage LED lighting is clearly welcome.

Could Councillor Hughes say which roads/streets in Barnstaple have been converted and which other roads/streets are programmed for conversion?

REPLY BY COUNCILLOR HUGHES

As part of the Challenge Fund, all the street lights in Barnstaple will be converted to LED. The conversions have already commenced in the Newport Area, and will be subsequently moving into the following areas on a rolling programme:

- Forches*
- Whiddon Valley*
- Long Bridge*
- Central*
- Pilton*
- Yeo Valley*

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A selection of the oldest columns (around 40 years old) will also be replaced as part of this funding, with additional columns located in the Roundswell Industrial Estate due to recent failures.

It can be noted that the Challenge Fund will be completed no later than the end of March 2018.

12. QUESTION FROM COUNCILLOR PROWSE
Re: Totnes One Way System

To what extent did elected Councillors of this Council oversee the legal budget in respect of the recent Court of Appeal case regarding the legal challenge to this Authorities position on this case? Has the case surpassed the £200,000 bill yet?

REPLY BY COUNCILLOR HART

The Leader, Chairman of the South Hams Highways and Traffic Orders Committee and local member were closely involved in the legal process.

Costs will be subject to detailed assessment in due course.

Report of the Cabinet Member Children, Schools and Skills

I have been asked to report, by Councillor Connett,

.....on the Review of Health Assessments for children in care - for example, what is the number of assessments in the past 12 months, how many are up to date and complete, how many await review; and

.....on Child and Adolescent Mental health Services - particularly to include referral to treatment times for each quarter period of 2015-16 and to current date and number of patients waiting for an appointment following referral.

Health Assessments for Children in Care

I am very pleased that this question has been raised as it reflects the Council's commitment to its corporate parenting responsibilities for the most vulnerable children in our community, our children in care.

The responsibility for health assessments rests with our partners in the CCG, however as Corporate Parents it is our responsibility to hold all of our partners to account for their delivery of their statutory responsibilities to this group of children and young people.

As chair of the Corporate Parenting Board it has been my job to maintain a focus on the health of children in care to make sure the performance of our partners in this area improves.

The Council makes an annual return to Government on performance in this area. For year ending March 2015, we reported that 76% had their review assessment in timescale. For year ending March 2016, we will report 79% of review assessments in timescale. (**2016 data is still provisional, it will be finalised at the end of May, we don't anticipate significant change*)

This is an improvement but we are not complacent, there is more to do on timely initial assessments to match the performance of 'good' Local Authorities and we need to be satisfied that the quality of the assessments is high. Our colleagues in the CCG are introducing systems to measure quality as well as further improving the timeliness. The Corporate Parenting Board will continue to closely monitor and challenge this aspect of service

RHAs held in time during 2014-15?

- 445 OC2 children were eligible for a RHA during 2014-15
- 345 of the 445 had an RHA within the year i.e. 76%

RHAs held in time during 2015-16 ?

- 443 OC2 children were eligible for a RHA during 15-16
- 351 of the 443 had an RHA within the year i.e. 79%

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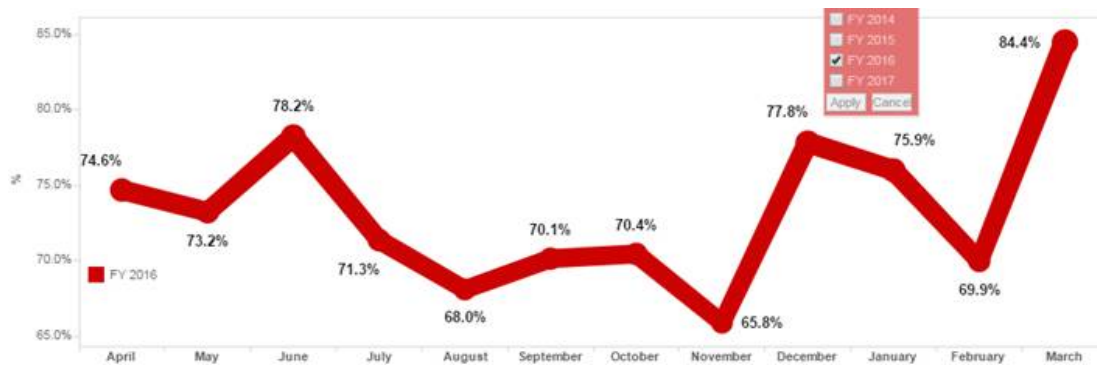
Child and Adolescent Mental Health Services

In response to the specific issue raised, performance by the service in meeting the referral to treatment time of 18 weeks has fluctuated during the year. The CCG made an additional investment of £160k into the service with the expectation that RTT would achieve 80% by 31st March 2016. Virgin Care has exceeded this target at 84.4% of children seen within 18 weeks.

However there remain 636 children waiting despite the achievement of the March Target. A more stretching target of 92.5% has been set for September.

As the lead member for Children, CAMHS remains a priority for improvement. I believe that a transformational approach is needed to ensure children's needs are met in a timely and proportionate way. Our recent investment in early emotional well-being services for school children is an excellent example of re-thinking how and when we provide services to try to prevent problem escalation and increased pressure for children and families. I want to see stronger and more effective Early Help for children and families, more systematic joined up working for children with the most complex needs and the implementation of transformation plans for CAMHS designed to get the right service, to the right children, at the right time.

RTT Treatment within 18 weeks



CAMHS RTT stats as at 25/4/16

Councillor James McInnes
Cabinet Member
Children Schools and Skills

County Council
Cabinet Member Report
12 May 2016

Report of the Cabinet Member Highway Management and Flood Prevention

I have been asked to report, by Councillor Dewhurst,

“... on parking on pavements in the light of the North Devon Journal’s assertion that pavement parkers could soon be fined £70. Can he please elaborate on his comment in the article that Enforcement Officers continue to gather data on this issue and describe exactly what data is gathered?”

And also by Councillor Connett, as follows

“.....on the future, funding and availability of the school crossing patrol service in Devon”.

Parking on Pavements

Addressing pavement parking remains a dilemma for local Authorities, as there are no specific powers for our Civil Parking Enforcement Officers to enforce “obstruction” of highways, or, footways. Whilst there is scope to prohibit pavement parking using a Traffic Order and signing, this is not deemed proportionate as there would be an expensive and intrusive proliferation of signing.

Vehicles found parking on pavements can often be attended to using another contravention, and our officers do carry out enforcement in these circumstances. For example, where pavement parking is occurring adjacent to a waiting restriction (single or double yellow lines), the waiting restriction can be enforced. Similarly, parking across a raised or dropped footway (used for pedestrians, cyclists, or vehicles, crossing, leaving, or, entering the carriageway) can be enforced, so a vehicle parked entirely or partially on the pavement at or adjacent to a raised or dropped footway can be attended to on this basis.

However, last month (April 2016) the Department for Transport published it’s draft Cycling and Walking Investment Strategy; (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512895/cycling-and-walking-investment-strategy.pdf). Within this document there is reference that the department will be working with stakeholders to examine the legal and financial implications of an alternative pavement parking regime and the likely impacts on local authorities. This will commence with a roundtable between the Parliamentary Under Secretary of State for Transport and key stakeholders to help inform the Department’s subsequent research.

This is a positive step following parliament’s decision not to proceed with the Bill to ban pavement parking last December and the County Council is supportive of this move.

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There has been recent local and national press coverage on the possibility of a pavement parking fine of £70. However, Government has yet to set out regulations for enforcement and agree the level of fine.

To assist with our understanding of pavement parking issues we are currently gathering information via our online reporting form;

<https://new.devon.gov.uk/roadsandtransport/parking/pavement-parking/> to identify the scale of the issue in Devon, and, if appropriate, may offer the information gathered in support of the departments work. The information gathered includes location, frequency of pavement parking issues and how the parking impacts the person (e.g. are they in a wheelchair, using a pushchair or visual impaired)

I am the Vice Chairman of PATROL which is also pushing Government to give County Council CPE the powers to ticket those parking on pavements.

Meanwhile the parking service have developed an updated pavement parking leaflets and where we find specific issues on key pedestrian routes, our civil enforcement officers will place these educational leaflets on vehicles parked on pavements

School Crossing Patrols

All of these issues will feature in the Councils (and Cabinets) consideration of the Notice of Motion in due course. A briefing paper will be made available and I will ensure Councillor Connett receives a copy and I look forward to his contribution to that debate.

**Councillor Stuart Hughes
Cabinet Member
Highway Management and Flood Prevention**

Report of the Cabinet Member - Adult Social Care & Health Services
Care Homes Report May 2016

I have been asked to report, by Councillor Connett, on

‘the financial viability of residential care and nursing homes in Devon, especially in light of media reports that many care homes across the country could close..... to include the weekly fees paid by Devon County Council for care places’.

Response to media reports

The National reported suggestion is that 25% of homes were in financial problems. In Devon this is mitigated largely by the significant number of single home ownership businesses, or small businesses with very low borrowing. The report was prompted by concerns about a large national residential care provider who has a very significant number of homes but has none in Devon. To fund growth and acquisition funding often uses venture capital sources where interest rates are very significant. The loan to value (LTV) issue isn't as prevalent in Devon as this mostly applies to the very large groups who re-finance regularly and are susceptible to small changes in the market.

Market Assessment

The residential care market is seeing a constant reduction in capacity and we regularly report that placement numbers are staying the same or reducing. The Devon market comprises many small single home owners and a few larger owners who own up to 6 homes in our area. Capacity isn't always in the right location leaving areas of overcapacity and nursing care homes in some areas experience recruitment difficulties. Older homes can experience challenges in meeting the increasing standards being applied by CQC and we are seeing some smaller home closures being replaced by development of larger homes

DCC's cost model for setting older people care home fees

The current cost model has been in place since 2012 and survived judicial review. It is updated annually to take account of inflation and other changing factors in the sector. Last month following consultation with providers fees were increased by an average of 6% in order to reflect the introduction of the Living Wage and other increases in provider costs.

Fees including market premiums

The average fees from March 14 to March 15 paid by the Council were around 7.4% for residential placements and 10.0% for nursing placements, compared to 2 years ago this is 14% and 17% higher. The average fee currently being paid is £505 per week for residential care and £695 per week for nursing care, (including Funded Nursing Care of £112). This takes account of premiums being paid in around 21% of residential placements and 36% of nursing placements. For Older People care home placements the baseline fees are now £468 per week for standard residential care, £500 per week for enhanced residential care, £615 per week for standard nursing care and £640 per week for enhanced nursing care - these include £112 per week Funded Nursing Care paid by the NHS.

Market stimulation

A capital investment and grant programme is being developed in collaboration with the DCC Economy and Enterprise team. It is expected to deliver £2m into the sector in 2016 / 17 and is intended to stimulate significant additional care and nursing capacity in areas where there is a reduced sufficiency.

Improving Quality of Residential Provision

My impending newsletter will provide more detail but I want to congratulate our care home providers who are delivering outstanding or good care. The latest CQC assessments report shows the Devon result as:

CARING	92% of Homes are outstanding or good
EFFECTIVE	72% of Homes are outstanding or good
RESPONSIVE	75% of Homes are outstanding or good
WELL LED	75% of Homes are outstanding or good
SAFE	66% of Homes are outstanding or good

Report of the Cabinet Member - Adult Social Care & Health Services Delayed Transfers of Care Report May 2016

I have been asked to report, by Councillor Connett, on

'the efficiency of delayed transfers of care/hospital discharge arrangements to include details of longest waits for discharge and adequacy of domiciliary care provision across the county'.

Delayed transfers of care

The majority of cases for delayed discharge are waiting for further non-acute NHS care (including intermediate care). The following indicates the relative positions for the last 9 months

	All	Health	Social Care
Jun-2015	127	106	21
Jul-2015	146	129	17
Aug-2015	129	105	24
Sep-2015	141	119	22
Oct-2015	108	82	26
Nov-2015	113	91	22
Dec-2015	91	77	14
Jan-2016	118	91	27
Feb-2016	105	75	30

Reasons for delayed transfers of care

Main reasons for delays over the last 12 months include awaiting a care or nursing package in own home (21%), awaiting a residential care home placement (20%), awaiting completion of assessment (19%), awaiting a nursing home placement (17%) others would relate to specialist provision or adaptations etc.

Domiciliary Care

The council has made a considerable investment in domiciliary care through its new "Living Well at Home" contract, commissioned jointly with the two CCGs. It was awarded in April with a provisional go live date of mid-July, the new contract is designed to improve carer recruitment and recognition and it includes:

- improved pay and conditions for paid carers including paid travelling time
- improved quality with requirements for training and qualifications
- involving primary providers as strategic partners in whole system planning
- addressing DTOC issues and planning additional provision for peak periods of demand

Unfilled packages of care

Domiciliary care services are delivered to 4000 people per week (over 40,000 hours of care)

The NHS/Social Care combined data shows that

- delays represent 1.25% of total demand
- numbers peaked at just over 100 people in January 2016 as a result of winter pressures
- numbers have now settled at around 50-55 across the county, the lowest in 2 years
- there is almost no waiting time in northern Devon 3 - 4 people;
- around 30 people in Exeter, East and Mid Devon
- around 20 people in Southern Devon

The longest average waiting times would be just over a month, these are the few cases where there is a particularly complex care need which needs either specialist residential care to be arranged or enhanced care at home where additional equipment and other facilities may be required to be installed before the person can be discharged. All people who are waiting for care have contingency plans in place, are monitored actively and are safe. The latest operational projects which are significantly reducing figures include patients being discharged to home for assessment.