



**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

4 May 2016

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 12th May, 2016 at 2.15 pm.**

A handwritten signature in black ink that reads 'Phil Dorrey'.

Chief Executive

[A period of quiet reflection will be led by the Jacqueline Watson, Humanist Wedding and Funeral Celebrant, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

**AGENDA**

- 1 **Apologies for Absence**
- 2 **Election of Chairman**
- 3 **Election of Vice Chairman**
- 4 **Appointment of Deputy Leader of the Council**
- 5 **Minutes**  
  
To approve as a correct record and sign the minutes of the meeting held on 18 February 2016.
- 6 **Chairman's Announcements**
- 7 **Items Requiring Urgent Attention**

**8 Petitions from Members of the Council**

**9 Public Participation: Petitions, Questions & Oral Representations**

Petitions, Questions or Representations from members of the public in line with the Council's petitions and Public Participation schemes.

**10 Appointment of Committees**

Councillor S Hughes to move:

(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 note that Cabinet Members shown in the Appendix circulated at the meeting have been appointed to hold office until the date of the Annual Meeting of the Council in 2017 together with the remits shown therein."

(c) that the Council appoints Committees, Joint Committees and Working Parties/Panels each with the total number of voting and non-voting 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;

(d) 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;

(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 at 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 the Council appoint Independent Persons, 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 outlined in the Appendix circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2017.

## 11 **Appointment of Chairmen and Vice-Chairmen of Committees**

Councillor S Hughes to move:

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

## 12 **Questions from Members of the Council**

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

### **OTHER MATTERS**

## 13 **Cabinet Member Reports**

To consider reports from Cabinet Members.

## 14 **Minutes**

To receive and approve the Minutes of the under mentioned Committees.

B	-	Investment & Pension	-	26 February 2016
C	-	Appeals *	-	14 March, 11 April & 9 May 2016
D	-	Standards	-	14 March 2016
E	-	Public Rights of Way	-	17 March 2016
F	-	Audit	-	23 March 2016
G	-	Procedures	-	18 April 2016
H	-	Development Management	-	27 April 2016
I	-	Place Scrutiny	-	7 March 2016
J	-	Health & Wellbeing Scrutiny	-	8 March 2016
K	-	Peoples Scrutiny	-	21 March 2016
L	-	Corporate Services Scrutiny	-	24 March 2016
M	-	Appointments / Remuneration-	-	11 May 2016 **

\* Appeals Minutes of 9 May will be circulated as soon as available.

\*\* Appointments & Remuneration Committee Minutes of 11 May will be circulated on the day.

## 15 **Scrutiny Annual Report 2015/2016**

To receive the Scrutiny Annual Report.

A copy of the report can be viewed on the web;

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

## **NOTICES OF MOTION**

### **16 Notice of Motion: Future Railway Provision (Minute 173/18 February 2016)**

To receive and consider the recommendations of the Cabinet relating to Councillor Connetts Notice of Motion as set out hereunder, 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 text of the original Notice of Motion, the Cabinet's recommendations and any reasons therefor may be seen in full in the Minutes of the Cabinet held on 9 March 2016 (Minute 488b) (Page 7, Green Pages).

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

To receive and consider the recommendations of the Cabinet relating to Councillor Wrights Notice of Motion as set out hereunder, namely:

*that the County Council be recommended to take no further action 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 should be published annually on the Council's website and that the Cabinet note that the Council's procurement policies would be updated automatically to comply with any further, revised and updated Government Guidance.*

The text of the original Notice of Motion can be seen in the Cabinet Minutes of 9 March 2016 (Minute 488) and the Cabinet's recommendations and any reasons therefor may be seen in full in the Cabinet Minutes of 13 April 2016 (Minute 17)(Green Pages).

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

**Councillor Connett to move:**

*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.*

**Councillor Hannan to move**

*'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:*

- *Cllr McInnes has criticised forced academisation saying that 'it is wrong to try and coerce heads and governors into following a path that they would not otherwise choose';*
- *Cllr Clatworthy has pointed out that the White Paper 'does not acknowledge the considerable additional costs falling upon local authorities managing the transition of schools to academies ... and through having continuing responsibility for school transport and safeguarding';*
- *Cllr Paul Carter Chairman of the County Councillors Network, Conservative Leader of Kent County Council and a governor of a multi-academy trust, has said that he thought the plans were being pursued with 'undue haste', that small rural schools would suffer 'a spiral of decline' if the networks to support them provided through the local authority were removed, and that he was concerned that 'the change will lead to a poorer education system operating across Kent, and more broadly England, because the value that local authorities generally provide to schools will be removed'.*
- *Louise Goldsmith, Leader of Conservative West Sussex County Council, has said the Council was united in opposing the proposals in the White Paper, with no evidence that the county's schools would be improved, and that 'We have very specific concerns about how vulnerable children will fare under the proposals – a statutory responsibility that will rightly remain with the council but with very few powers to help us to fulfil that duty.'*

*There is also particular concern in this Council about the implications of the White Paper for school exclusions, the subject of a recent task group report from People's Scrutiny. If implemented the proposals might well lead to schools using more informal methods of exclusion and would increase the likelihood that they would refuse to admit students with records of poor behaviour or complex needs. This is because the schools 'will be responsible for the budgets from which AP (alternative provision such as pupil referral units) is funded' (6.77). Also, it would clearly be impossible for local authorities to ensure 'sufficiency of AP in their area' (6.74) 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.*

*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'.*

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

**Councillor Greenslade to move**

*“County Council welcomes the all party opposition by the Local Government Association to the Government’s plans for turning all schools into Academies and applauds the individual opposition to this proposal by Conservative controlled counties like Hampshire. County Council resolves to support the LGA’s all party opposition to turning all schools into Academies.”*

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

**Councillor Greenslade to move**

*“County Council welcomes the recent report and conclusions by Cabinet in respect of flood alleviation in Devon. However 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.”*

**22 Notice of Motion: Barnstaple Park and Ride**

**Councillor Greenslade to move**

*“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.”*

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

### **Access to Information**

Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but are reproduced herein for convenient reference.

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website.

### **Interests**

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

### **Questions from Councillors**

A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting

### **Public Participation**

Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting

Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon the day before the meeting takes place

For further details please contact Karen Strahan on 01392 382264 or look at our website at:

<http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/>

### **Webcasting, Recording or Reporting of Meetings and Proceedings**

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

### **Emergencies**

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

### **Mobile Phones**

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: [centre@devon.gov.uk](mailto:centre@devon.gov.uk) or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

