



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

30 November 2016

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 8th December, 2016 at 2.15 pm.

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

Chief Executive

[Prayers will be offered by the Reverend Hilary Dawson, Rector of The Holyford Mission Community, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1 Apologies for Absence

2 Minutes (Pages 1 - 10)

To approve as a correct record and sign the minutes of the meeting held on 6 October 2016.

3 Chairman's Announcements

4 Items Requiring Urgent Attention

5 Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

6 Petitions from Members of the Council

7 Questions from Members of the Council

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

FRAMEWORK DECISION

8 Framework Decision: Brunel Pooling Partnership

To consider the recommendation(s) of the Investment and Pension Fund Committee (2 December 2016) relating to the approval of the Business Case for the Brunel Pooling Partnership, circulated previously for the attention of Members at this meeting; The report of the County Treasurer (CT/16/105) being available at

<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=187&MId=314&Ver=4> and exempt information available to Members only in line with the Councils Access to Information Rules.

OTHER MATTERS

9 Cabinet Member Reports

To consider reports from Cabinet Members.

10 Minutes

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

- a** Appeals Committee - 10 October 2016 and 14 November 2016 (Pages 11 - 14)
- b** Appointments and Remuneration Committee - 18 October 2016 (Pages 15 - 16)
- c** Development Management Committee - 19 October 2016 and 23 November 2016 (Pages 17 - 24)
- d** Standards Committee - 7 November 2016 (Pages 25 - 28)
- e** Audit Committee - 22 November 2016 (Pages 29 - 30)
- f** Public Rights of Way Committee - 24 November 2016 (Pages 31 - 34)
- g** Investment and Pension Fund Committee - 2 December 2016 (Pages 35 - 40)
- h** Health and Wellbeing Scrutiny Committee - 8 November 2016 (Pages 41 - 46)
- i** Place Scrutiny Committee - 15 November 2016 (Pages 47 - 50)
- j** People's Scrutiny Committee - 17 November 2016 (Pages 51 - 54)
- k** Corporate Services Scrutiny Committee - 28 November 2016 (Pages 55 - 58)

NOTICES OF MOTION

11 Educational Re-organisation and Fair Funding (Minute 54 of 6 October 2016)

To receive and consider the recommendations of the Cabinet relating to Councillor Connetts Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 104(a) of the Cabinet held on 9 November 2016 (Page 6 of 9 November 2016 meeting, Green Pages).

12 Protecting Devons Pharmacies (Minute 57 of 6 October 2016)

To receive and consider the recommendations of the Cabinet relating to Councillor Connetts Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 104b of the Cabinet held on 9 November 2016 (Page 7 of 9 November, Green Pages).

13 Environmental Policy Document Review (Minute 58 of 6 October 2016)

To receive and consider the recommendations of the Cabinet relating to Councillor Wrights Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 104(c) of the Cabinet held on 9 November 2016 (Page 8 of the 9 November 2016, Green Pages).

14 Affordable Housing and the HOTSW Devolution Prospectus (Minute 59 of 6 October 2016)

To receive and consider the recommendations of the Cabinet relating to Councillor Vints Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 104(d) of the Cabinet held on 9 November 2016 (Page 9 of 9 November 2016, Green Pages).

15 Cuts to Devon Health Services and the Success Regime (Minutes 55 and 56 of 6 October 2016)

To receive and consider the recommendations of the Cabinet relating to Councillors Biederman and Greenslades Notice of Motions.

The text of the original Notices of Motion, the Cabinet's recommendations and any reasons therefor may be seen in full at Minute 104(e) of the Cabinet held on 9 November 2016 (Page 10 of 9 November 2016, Green Pages).

16 School Funding

Councillor Greenslade to move:

1)That County Council supports the actions of the Devon Education Forum in respect to School Funding Challenges.

2)Further County Council calls on Government to deliver on the postponed commitment to introduce fair funding for schools in 2013/14 with immediate effect from 2017/18.

3)Urges all Devon MP's to lobby for the introduction of fair funding for schools from 2017/18.

17 **Pension 'Triple Lock'**

Councillor Greenslade to move:

County Council considers the implications for Devon Pensioners and the county economy arising from the refusal by the Chancellor to commit to the “triple lock” for state pensions beyond 2020 in his Autumn Statement.

Accordingly the Corporate Services Scrutiny Committee be asked to consider this situation and recommend any lobbying action that should be taken.

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 or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

COUNCIL

6 October 2016

Present:-

Chairman: A Moulding

Vice-Chairman: R Rowe

Councillors S Barker, F Biederman, P Bowden, A Boyd, J Brazil, J Brook, C Channon, C Chugg, C Clarence, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, P Diviani, A Dewhurst, G Dezart, A Eastman, R Edgell, O Foggin, R Gilbert, B Greenslade, G Gribble, R Hannaford, D Hannon, J Hart, J Hawkins, R Hill, G Hook, R Hosking, B Hughes, S Hughes, R Julian, J Knight, A Leadbetter, J McInnes, J Mathews, E Morse, J Owen, B Parsons, R Radford, S Randall-Johnson, P Sanders, D Sellis, M Squires, R Vint, N Way, R Westlake, E Wragg, C Wright and J Yabsley

Apologies:-

Councillors K Ball, E Barisic, J Berry, T Dempster, M Edmunds, A Hannan, J Hone, P Prowse and R Younger-Ross

41 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 28 July 2016 be signed as a correct record.

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

42 Chairman's Announcements

The Chairman:

(a) welcomed Mr Sullivan (who was attending the meeting in his capacity as one of the Co-opted Members of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework) and Honorary Aldermen Drake, Halse and Lee to the meeting;

(b) on behalf of the Council, congratulated all those athletes from or associated with the County who had taken part in the recent Olympics and Paralympics;

(c) on behalf of the Council, congratulated all those involved in the Better Business for All (BBFA) Campaign which had received a special award in the FSB Devon Council Awards for 2016; this was a joint initiative of all Councils in Devon to stimulate and support small business growth and encourage small business success in the rural economy;

(d) reported on his attendance with the Vice-Chairman at an event hosted by the Lord Mayor of London marking the 350th Anniversary of the Great Fire of London at which the Lord Mayor recognised his attendance and the contribution of the people of Devon toward the cost of rebuilding of the City of London, the County having raised a far greater sum than any other County, City or Borough; the former Borough of Exeter having raised the second largest amount;

(e) reported the recent death of Professor Ian Mercer CBE who had not only been the first Dartmoor National Park Officer but had also been the first ever county conservation officer appointed in England and Wales; having also subsequently Chaired the County Council's influential and innovative public inquiries into Foot & Mouth in 2001 and the aftermath of the MSC Napoli grounding in 2008;

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(f) advised the Council that this was to be the last Council meeting to be attended by Mrs Heather Barnes as Strategic Director, Place, after 16 years of service to the Council: the Chairman and Political Groups paid tribute to Mrs Barnes, thanking her for her services and wishing her well for the future. Mrs Barnes responded.

43 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

44 Petitions from Members of the Council

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

45 Public Participation: Petitions, Questions & Representations

In accordance with the Council's Public Participation Rules, the Leader would respond direct to a question on the NEW Devon Clinical Commissioning Group from a member of the public, who was not present at the meeting.

There was no representations made by any member of the public.

[NB: See also responses to similar Questions referred to at Minute 47 below. A copy of the questions and answers are appended to the published minutes]

46 Devon Youth Parliament

The Cabinet Member for Performance & Engagement introduced two representatives of the Devon UK Youth Parliament Team who gave a short presentation to the Council on the:

- role of the United Kingdom Youth Parliament and the work undertaken by the Devon Members, nationally and locally;
- organisation and work programmes of the Youth Parliament Team in representing the interests of Devon's Young People and ensuring their views were heard and acted upon;
- work with young people locally and other partners on current campaigns around Transport, Disability Awareness and Extra Curricular Activities, and
- future campaigns on topics identified through the Youth Parliament's national 'Make Your Mark' campaign such as Living Wage, Mental Health and Curriculum for Life.

The Cabinet Member and the Chairman, on behalf of the Council, both expressed their gratitude to the Devon UKYP Team for all their hard work and efforts in representing and 'sharing' the voice of young people in Devon, the ways they could influence national and local policy making and the ways in which Members of the Council could assist them.

47 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 22 questions submitted by Members of the Council relating to Grammar Schools; Highway Improvements in Exeter; the NHS Success Regime & Sustainability and Transformation Plan; Dementia Friendly Communities; the CAMHS Service; Milbury Farm, Exminster; HGVs use of Mamhead Road; Traffic Flows/Speeds at Powderham; Highway & Traffic Management in Starcross; room hire for meetings; the Exeter Bridge Road Improvement scheme; Alphington Park & Ride Site, Exeter; Oakwell House, Bickington; Hate Crime Statement; publication of member's details; Health Care Changes; HOTSW/Economic Development; HOTSW/Consultation Process; Superfast Broadband and the Highways Term Maintenance Contract.

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

The Leader would respond also direct to a question on unpaid penalty charge notices from a Member who was not present at the meeting.

[NB: See also responses to similar Questions referred to at Minute 45 above. A copy of the questions and answers are appended to the published minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

48 **Cabinet Member Reports**

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

(a) **Policy & Corporate**

Councillor Hart circulated a Report (appended to the published minutes) and commented, as requested by Councillor Brazil, on Syrian refugees resettlement and unaccompanied asylum seeking children, outlining the limited co-ordinating role of the County Council in implementing the Government funded project and responding to concerns about the pace of placements and the timeliness of assistance available to those who might wish to offer such: undertaking to pursue those issues further with Government.

(b) **Environment and Community**

Councillor Croad commented, as requested by Councillor Dewhirst, on action being taken by the Council in relation to littering and fly tipping on and adjacent to highway, acknowledging it was a serious issue, cutting across Council boundaries. He referenced work currently being undertaken by the County Council in practical terms in fulfilling its community leadership role, including liaising with District Councils on their approach to waste collection, monitoring the operations of the Council's waste contractors, co-ordinating work such as grass cutting with District Council litter picking and regularly meeting with colleagues from other organisations, including Highways England, to ensure consistent messages to visitors and residents alike to prevent polluting the local environment.

(c) **Adult Social Care and Health Services**

Councillor Barker circulated a Report (appended to the published minutes) and commented, as requested by Councillor Westlake, on the potential impact of the Devon Sustainability & Transformation Plan and the Success Regime project, on Adult Social Care budgets and future delivery of services. He reiterated his concerns expressed at Cabinet on fair funding for adult social care and reminded the Council that representations had been made to the Local Government & Communities House of Commons Select Committee on funding and welcomed the involvement of this and other Council's Scrutiny Committees in examining these matters. The Cabinet Member also commented, as requested by Councillor Greenslade, on the future of care services at Rosebank, Barnstaple.

[NB: See also responses to Questions referred to at Minute 45 and 47 above and Cabinet Minute 72].

(d) **Highways Management and Flood Prevention**

Councillor Hughes circulated a Report (appended to the published minutes) and commented, as requested by Councillors Connett and Owen respectively, on the rollout of restricted night time street lighting and on the Council's cycling strategy including related planning safety issues. He also commented, as requested by Councillors Hannaford and Dewhirst, on traffic

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congestion in Exeter arising from infrastructure works and public utility works and on Chapter 8 training for local community events.

The Cabinet Member also responded to questions on funding and proviso of drop-kerbs, future possible funding for the Tour of Britain, the Road Warden Scheme and pavement parking.

(e) Children, Schools and Skills

Councillor McInnes circulated a Report (appended to the published minutes) and commented, as requested by Councillor Hannaford, on the Reducing Exploitation & Absence from Home (REACH) Service and 'missing' children.

(f) Resources & Asset Management

Councillor Clatworthy circulated a Report (appended to the published minutes) and commented, as requested by Councillor Greenslade, on the use of the Barnstaple Civic Centre Car Park, confirming that while a number of spaces would be retained for use by County Council staff and visitors in the Taw Vale building the remainder of the parking area was to be included in the sale of the Tower Block rather than leasing or making spaces available on an individual basis to other users.

(g) Performance & Engagement

Councillor Parsons circulated a Report (appended to the published minutes) on the Youth Service, Member Development, Digital Transformation and Hate Crime Awareness week.

[NB: See also responses to Questions referred to at Minute 47 above].

49 Minutes

The Chairman of the Council **MOVED and it was duly SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved and that the recommended changes to the Constitution at Procedures Committee Minute 13 be also formally endorsed :

| | | |
|-----------------------------|---|-------------------|
| Appeals | - | 6 September 2016 |
| Audit | - | 7 September 2016 |
| Procedures | - | 14 September 2016 |
| Investment & Pension Fund | - | 16 September 2016 |
| Peoples Scrutiny | - | 5 September 2016 |
| Health & Wellbeing Scrutiny | - | 19 September 2016 |
| Place Scrutiny | - | 20 September 2016 |
| Corporate Services Scrutiny | - | 22 September 2016 |
| Appointments & Remuneration | - | 29 July 2016 |

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

50 Arising on Health & Wellbeing Scrutiny Committee Minute 17 (Wider Devon Sustainability & Transformation Plan & NEW Devon Success Regime)

The Council noted the concerns and representations articulated to Members and the actions already taken and to be taken by or on behalf of the Council and by its Health & Wellbeing Scrutiny Committee in relation to future Models of Care and NHS funding. The Leader of the Council confirmed that the Notices of Motion in the names of Councillors Biederman and Connett to be considered at this meeting (Minutes 55 and 56 below refer) would, if sent to Cabinet in accordance with Standing Order 6, be raised at the Cabinet on 12 October 2016, as matters of urgency, in order that and to avoid any undue delay they might, in turn, be referred to the Health & Wellbeing Scrutiny Committee on 8 November 2016 for consideration

alongside its current planned examination of the issues identified therein [the aforementioned Notices of Motion].

[NB: See also responses to Questions referred to at Minute 47 above and Cabinet Member Reports at Minute 48(c) above].

51 State Pension Arrangements for Women (Minute 38, 28 July 2016)

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision]

Pursuant to County Council Minute 38 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Connett and seconded by Councillor Dewhirst that:

'The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements'.

and having had regard to the advice of the Cabinet set out in Minute 74(a) of 14 September 2016 and noting that 4 Devon Members of Parliament had also indicated their support for the campaign, Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion be approved and representations be made to the Secretary of State for Work & Pensions and Devon Members of Parliament being advised accordingly.

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

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52 Term Time Leave and Fines for Parents (Minute 39, 28 July 2016)

Pursuant to County Council Minute 39 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Greenslade and seconded by Councillor Connett that :

“that the County Council expresses concern at the incidences of fines being levied on parents who take their children out of school during term time; accordingly the County Council requests the People’s Scrutiny Committee to consider current guidelines used to decide whether a fine is appropriate. In the meanwhile no new fines should be levied until this review is completed!”

and having had regard to the advice of the Cabinet set out in Minute 74(b) of 14 September 2016 Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted, namely that while it is not necessary for to specifically endorse any Members’ suggestion or request for a Scrutiny Committee to undertake any particular piece of work or activity, the Cabinet (i) is content for the People’s Scrutiny Committee to look at this matter, (ii) endorses the current practice (outlined in Part (b) of Report CS/16/27) until such time as the law is clarified and (iii) acknowledge that by dint of so doing the Notice of Motion has been effected and the views of the Scrutiny Committee will necessarily be considered by the Cabinet in due course.

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

53 Planning Advice from Council Officers (Minute 40, 28 July 2016)

(Councillor Greenslade declared a personal interest in this matter by virtue of being a Member of North Devon Council, the Devon and Somerset Fire Authority and relatives working and living in the area. Councillor Biederman also declared a personal interest in this matter by virtue of being a Member of North Devon Council and its Planning Committee).

Pursuant to County Council Minute 40 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Greenslade and seconded by Councillor Connett that, :

“County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to “facilitate development”.

and having had regard to the advice of the Cabinet set out in Minute 74(c) of 14 September 2016, Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted and that no further action be taken on the Notice of Motion recognising that within the context of the County Council’s planning-related functions and national planning policy, it was appropriate for the Council to provide planning application consultation responses which aim to facilitate development identified in the Local Plan (i.e. deemed by an independent Inspector as appropriate) and potentially other sustainable development sites recognising the need also to continue to give full weight to the individual and cumulative impact of proposed development.

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

Councillor Greenslade then **MOVED** and Councillor Biederman **SECONDED** that the Cabinet's advice set out at Minute 74(c) be not accepted and the wording of the Notice of Motion be adopted as follows:

"County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to "facilitate development".

Councillor Connett then **MOVED** and Councillor Dewhirst **SECONDED** that in accordance with Standing Order 32(2) the vote [on Councillor Greenslade's amendment] shall be by roll call.

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

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

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

[In accordance with Standing Order 32(2) Councillors Biederman, Brazil, Connett, Dewhirst, Foggin, Greenslade, Hannaford, Hannon, Hill, Hook, Morse, Owen, Vint, Way, Westlake, Wragg and Wright asked that their vote for Councillor Greenslade's amendment be recorded].

54

Educational Re-organisation and Fair Funding

Councillor Connett **MOVED** and Councillor Greenslade **SECONDED**

'Devon County Council is proud of the achievements of all schools in the county and recognises that with fair funding from Government, yet more could be done to raise educational attainment for all pupils, help them achieve their potential and aspire to achieve their ambitions.

The Council believes it would be a retrograde step to divert scarce national and local resources from the classrooms into yet another reorganisation of education and does not wish to see the introduction of new or additional Grammar schools in Devon.

Devon County Council yet again calls on the Government to ensure the education of children in Devon is properly, fairly and fully funded noting that Government is short-changing Devon schools by £23m a year.

"Devon has never been funded at the level it deserves and remains well below the national average for funding per pupil. Despite this historic underfunding, Devon schools have shown that they can deliver impressive educational outcomes and that no child is marginalised because responsibility is shared for the most vulnerable and who may not be in our own schools." Sue Clarke OBE MSc, former Head of Education and Learning, Devon County Council (foreword to the consultation on 2016-17 Revenue funding arrangements for schools)

The Council therefore calls on all Members of Parliament for Devon to challenge the Government to play fair by Devon by properly funding children's education in the county'.

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

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55 Proposed Cuts to Devon Health Services and Impacts on Patients

Councillor Biederman **MOVED** and Councillor Wright **SECONDED**

'This Council is deeply concerned about the impact the proposed cuts to Devon health services will have on patients – especially the loss of whole departments including maternity services at North Devon District Hospital - and massive reduction in acute and community hospital beds across Devon, as set out in the sustainable transformation plan.

This Council also recognises that Governments have deliberately not provided the NHS with the adequate level of funding and now calls on local MPs to lobby government ministers to urgently and significantly increase the level of funding to the NHS, in order to protect our precious health services for current and future generations'.

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

[NB: See also Minute 49 above]

56 NHS Success Regime

Councillor Greenslade 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 Biederman **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion be considered at this meeting.

Councillor Connett **MOVED** and Councillor Biederman **SECONDED** that in accordance with Standing Order 32) the vote shall be by roll call.

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

Councillor Greenslade having **MOVED** and Councillor Biederman having **SECONDED**:

'County Council believes that the NHS Success Regime project for Devon is now seriously flawed and accordingly calls on the Secretary of State for Health and NHS England to cancel it forthwith. County Council further calls on Government and NHS England to firstly address the issue of fair funding for our area and to ensure the general election promise of an extra £8 billion of funding for the NHS is taken into account when assessing the claimed deficit for Devon NHS services.

Until funding issues are addressed it is not possible to decide whether or not there is a local NHS budget deficit to be addressed. Unnecessary cuts to local NHS budgets must be avoided!

Devon MP's be asked to support this approach to protecting Devon NHS services'

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

[NB: See also Minute 49 above]

57 Protecting Devon's Pharmacies

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED**

Devon County Council recognises and values local pharmacies as a vital primary care health service and as an integral part of the fabric of local communities throughout our county.

Devon County Council notes that;

- *176 pharmacies across the County offer a range of services such as dispensing prescriptions, disposal of unwanted medicines and supporting self-care;*
- *pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination, sexual health and more advice and support services are also available to care homes; and*
- *several pharmacies have achieved Healthy Living Pharmacies (HLP) status recognising and evidencing their role in improving the health of their local population.*

Devon County Council is greatly concerned about Government imposed threats to pharmacies as a result of cuts in the budget of £170m nationally taking effect from October 2016.

This is a 6% cut in cash terms but could effectively mean a cut of 12% during the financial year which could potentially close up to a quarter of pharmacies with an increased focus on warehousing dispensary and online services. Service cuts in pharmacies put more residents at risk as well as putting pressure on GPs and on hospital services and therefore increasing NHS costs. A fully funded community pharmacy service is cost effective and is in the interest of patients and carers.

Devon County Council agrees to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups serving Devon detailing our concerns and demanding an immediate reversal of these proposals.

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

58 Environmental Policy Document Review

Councillor Wright **MOVED** and Councillor Vint **SECONDED**

This Council commends the DCC Environmental Policy document that was produced in 2014/15 - and the reported progress against it, as set out in the Environment Performance Statement.

However, the national trend is a significant and potentially catastrophic decline in insects and other wildlife, with some species heading towards extinction, as set out in the latest State of Nature report, published last month (September).

The sharp decline in our species suggests that our collective efforts are still not enough to prevent a worsening position.

This council agrees that the 'Countryside and Heritage' section of the Environmental Policy document should be reviewed before the end of 2016, to see whether there are further opportunities for Devon County Council to do more to benefit nature, including:

Agenda Item 2

10
COUNCIL
6/10/16

1. *management of the county farms estate, where current uncertainties linked to Brexit mean that we need to find other ways of achieving environmental gains through the actions of our tenants;*
 - *through the management of our buildings and grounds (e.g. County Hall - a Grade 2 listed building set within a conservation area);*
 - *management of our multi-use trails (i.e. cycleways), which have potential for enhancement as wildlife corridors; and*
2. *through our community leadership role (e.g. in re-defining our environmental agenda in the light of Brexit, or in responding to current environmental problems such as ash dieback)'*

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

59 Affordable Housing and the HOTSW Devolution Prospectus

Councillor Vint **MOVED** and Councillor Wright **SECONDED**

'That this Council calls for references for the need for affordable housing to be added to the housing sections of the HOTSW Devolution Prospectus'

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

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Reverend White, formerly of the Holyford Mission Community.

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 be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.15 pm and finished at 5.26 pm

APPEALS COMMITTEE

10 October 2016

Present:-

Councillors J Knight (Chairman), J Hawkins, S Randall-Johnson, E Wragg and R Julian

* 27

Minutes

RESOLVED that the minutes of the meeting held on 6 September 2016 be signed as a correct record.

* 28

Items Requiring Urgent Attention

There were no items requiring urgent attention.

* 29

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* 30

Budget Monitoring

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee received the Report of the Head of Services for Communities on the financial impact of the Committee's decisions for the current financial year 2016/17.

* 31

School Transport Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee considered reports from the Head of Education & Learning on appeals and written and verbal submissions from appellants who attended as follows:-

ST66 C-MH Mr H
ST64 TM Cllr Vint
ST63 JY Mr Y, Cllr Connett
ST65 NL Mr and Mrs L, Cllr Channon.

RESOLVED:-

(a) that the following appeal(s) be allowed:-

ST63 JY

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APPEALS COMMITTEE
10/10/16

(b) that the following appeal(s) be refused:-

ST66 C-MH
ST64 TM
ST65 NL.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 9.45 am and finished at 12.40 pm

APPEALS COMMITTEE

10 October 2016

Present:-

Councillors J Knight (Chairman), J Hawkins, S Randall-Johnson, E Wragg and R Julian

* 27

Minutes

RESOLVED that the minutes of the meeting held on 6 September 2016 be signed as a correct record.

* 28

Items Requiring Urgent Attention

There were no items requiring urgent attention.

* 29

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* 30

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ST66 C-MH Mr H
ST64 TM Cllr Vint
ST63 JY Mr Y, Cllr Connett
ST65 NL Mr and Mrs L, Cllr Channon.

RESOLVED:-

(a) that the following appeal(s) be allowed:-

ST63 JY

APPEALS COMMITTEE
10/10/16

(b) that the following appeal(s) be refused:-

ST66 C-MH
ST64 TM
ST65 NL.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 9.45 am and finished at 12.40 pm

APPOINTMENTS AND REMUNERATION COMMITTEE

18 October 2016

Present:-

Councillors J Hart (Chairman), J Clatworthy and J McInnes

Apologies:-

Councillors A Connett and R Westlake

* 7 **Minutes**

RESOLVED that the minutes of the meeting held on 29 July 2016 be approved as a correct record.

8 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 9 **Senior Management Structure (Minute 6/29 July 2016)**

The Committee noted the action of the Chief Executive in making arrangements under delegated powers for the placement of an interim Chief Officer for Childrens Services and interim Heads of Service for Education & Learning and Children's Social Care, in line with the Committee's previous deliberations and in accordance with the Council's Pay Policy Statement, Chief Officer Employment Procedure Rules and relevant employment, procurement, legal and financial regulations; noting also the projected timeline for the appointment of a permanent postholder for the latter position.

* 10 **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information relating to an individual or likely to reveal the identity of an individual, and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11 **Senior Management Structure - Head of Education & Learning**

The Committee noted that while four candidates had originally been shortlisted for the preceding technical interviews two candidates had subsequently withdrawn and one had not been regarded as suitable for progression to formal interview by the Committee: thereafter and in consultation with the Chairman it was confirmed the Council should proceed on this basis.

The Committee then interviewed one candidate for the post of Head of Education & Learning with a view to making a recommendation upon an appropriate appointment to the County Council on 8 December 2016.

Agenda Item 10b

APPOINTMENTS AND REMUNERATION COMMITTEE
18/10/16

The interview having been completed and the suitability of the candidate for the post having been fully discussed and all relevant factors having been considered and taken into account and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and
RESOLVED that the press and public be now readmitted to the meeting.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy and

RESOLVED that the County Council be recommended to appoint Ms D Stabb to the post of Head of Education & Learning on Grade L3, with effect from 18 October 2016.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 9.30 am and finished at 10.43 am

DEVELOPMENT MANAGEMENT COMMITTEE

19 October 2016

Present:-

County Councillors

Councillors J Brook (Chairman), P Bowden, A Dewhurst, P Diviani, G Gribble, R Hannaford, J Hawkins, R Hosking, P Sanders, R Vint, E Wragg and J Yabsley

Apologies:-

Councillors A Eastman, R Julian and E Morse

* 19

Minutes

RESOLVED that the Minutes of the meeting held on 15 June 2016 be signed as a correct record.

* 20

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 21

County Matter: Minerals: East Devon District: Variation of conditions of Planning Permission 97/P1588 relating to the working and restoration at Venn Ottery Quarry, Newton Poppleford

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/16/48) on an application to amend conditions 3 and 19 (development in accordance with approved working plans and development in accordance with approved restoration plan, respectively) of Permission 97/P1588 in relation to the working and restoration of the site at Venn Ottery Quarry, Newton Poppleford to alter the restoration at the Quarry to levels higher than had been previously approved as there was less material to be excavated.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also had regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED that planning permission be granted, subject to no material objections being received on the consultation on the further information submitted in respect of the environmental statement, in accordance with the conditions set out in Appendix II to Report PTE/16/48 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor).

Agenda Item 10c

DEVELOPMENT MANAGEMENT COMMITTEE
19/10/16

* 22 **County Matter: Minerals: South Hams District: Variation of conditions of planning permission 9/42/49/0542/85/3: Drakelands Mine, Hemerdon, Sparkwell Plymouth**

The Head of Planning, Transportation and Environment reported on an application for the variation of condition 3 (to allow the continued extraction of tungsten and tin, processing and disposal of mineral wastes until 5 June 2036) and removal of condition 13 (to remove the restriction on the operating hours of the primary crusher) at Drakelands Mine, Hemerdon, Sparkwell Plymouth.

RESOLVED that a site visit for all Members of the Committee be arranged for Tuesday, 22 November 2016 (afternoon).

* 23 **County Matter: Minerals: Teignbridge District: Continuation and extension of mineral extraction and processing at Zig Zag Quarry, Aller Brake Road, Newton Abbot**

(Mr Agnew attended under the Council's Public Participation Scheme and spoke on behalf of the applicant in support of the application).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/16/49) on an application to allow for an additional 500,000 tonnes of sand and gravel, revised progressive restoration requiring the importation of 285,000 tonnes of inert waste material over a 5 year period and diversion of a bridleway with the construction of a new permanent route to extend the area of mineral working at Zig Zag Quarry, Newton Abbot and a revised restoration scheme involving the importation of inert waste material.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also had regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of the Report PTE/16/49 and with an additional condition relating to an advisory sign being placed by the applicant indicating a preferred HGV route along the South Devon Link Road (with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor Member).

* 24 **County Council Development: Teignbridge District: Alterations to the existing footway steps and ramps, and changes for cyclists at Lanherne, Exeter Road, Dawlish**

The Committee considered the report of the Head of Planning, Transportation and Environment (PTE/16/50) an application to for a wider stepped path with a reduced gradient to accommodate cyclists and changes to the boundary wall/archway lining Beach Street to accommodate a widened footway path that lead through the southern section of the Lanherne development to Beach Street, located within Dawlish.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

Members noted that due to topography and gradient of the path multi use access was limited.

Agenda Item 10c

DEVELOPMENT MANAGEMENT COMMITTEE
19/10/16

The matter having been debated and having also had regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II to Report PTE/16/50 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor).

* 25

Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/16/51) of action taken under delegated powers.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 2.40 pm

DEVELOPMENT MANAGEMENT COMMITTEE

23 November 2016

Present:-

Councillors J Brook (Chairman), P Bowden (Vice-Chair), A Dewhurst, P Diviani, A Eastman, G Gribble, R Hannaford, J Hawkins, R Hosking, R Julian, E Morse, P Sanders, R Vint, E Wragg and J Yabsley

* 26

Minutes

RESOLVED that the Minutes of the meeting held on 19 October 2016 be signed as a correct record.

* 27

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

28

Minerals and Waste Development Framework: Devon Minerals Plan: Inspector's Report and Adoption

(Councillor Bowden declared a personal interest in this matter by virtue of representing the area adjoining Straitgate Farm, Ottery St Mary)

The Committee considered the report of the Head of Planning, Transportation and Environment (PTE/16/57) on the preparation of the Devon Minerals Plan, findings of the Inspector's Report and proposed adoption. The Head of Service reported representations received from Councillor Wright in respect of Straitgate Farm, Ottery St Mary referenced in the draft Plan.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Diviani and

RESOLVED

(a) that the conclusions and recommendations of the Inspector's report on the Examination of the Devon Minerals Plan be noted;

(b) that the Devon Minerals Plan and associated Policies Map be endorsed for consideration by Cabinet on 14 December 2016 and adoption formally by the County Council on 16 February 2017, respectively, which incorporate the main modifications recommended by the Inspector and the additional modifications that were consulted on by the Council;

(c) that the Head of Planning, Transportation and Environment be authorised to make further additional modifications prior to adoption of the Devon Minerals Plan and Policies Map that may be required to address factual errors, minor updates and formatting matters; and

(d) that the additional documents proposed in 6.1 of Report PTE/16/57 to assist implementation of the Devon Minerals Plan and the provision for further reports to the Committee be noted.

(N.B. In line with the Council's Development Management protocol Councillor Wragg was precluded from voting on the application not having been present throughout the debate thereon)

* **29** **Minerals and Waste Development Framework: Cornwall and West Devon Mining Landscape World Heritage Site: Supplementary Planning Document: Adoption**

The Committee considered the report of the Head of Planning, Transportation and Environment on the preparation of a Supplementary Planning Document [SPD] to provide guidance for consideration of planning applications within the Cornwall and West Devon Mining Landscape World Heritage Site [the WHS], and proposed adoption of the SPD jointly with Cornwall Council and West Devon Borough Council.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Diviani and

RESOLVED

(a) that the Committee jointly adopt, with Cornwall Council and West Devon Borough Council, the Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document;

(b) that the Head of Planning, Transportation and Environment be authorised to determine the joint date of adoption of the Supplementary Planning Document in discussion with Cornwall Council and West Devon Borough Council; and

(c) that prior to adoption of the Supplementary Planning Document, the draft Document be used by this Council as informal planning guidance.

(NB In accordance with Standing Order 32 Councillor Sanders requested that his abstention from voting be recorded)

* **30** **County Matter: South Hams District: Variation and removal of conditions at Drakelands Mine, Drakelands, Nr PLYMOUTH, Devon PL7 5BS**

(Mr R May (Chairman, Sparkwell Parish Council) and Ms J Roach (Sparkwell Parish Council) attended and spoke at the invitation of the Committee against the application and Mr R Clark (on behalf of the applicant, Wolfe Minerals), Mr B Rhodes (D&C Business Councils) and Mr G Cowcher (Devon Chamber of Commerce) attended under the Council's Public Participation Scheme and spoke in support of the application).

(Representatives from the Environment Agency and South Hams District Council's Environmental Health attended and spoke at the invitation of the Committee).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/16/59) on an application and accompanying Environmental Statement for variation of conditions of planning permission 9/42/49/0542/85/3 at the Drakelands Tungsten Mine (previously Hemerdon), near Plymouth, PL7 5BS by

(i) variation of condition 3 of the planning permission to allow the continued extraction of tungsten and tin, processing and disposal of mineral wastes until 5 June 2036; and

(ii) removal of condition 13 of the planning permission: remove the restriction on the operating hours of the primary crusher.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received. The Head also reported on the outcome of an investigation, undertaken at his request by an Officer who was not related to the County Council's Planning Service, relating to allegations around the probity of an unidentified County Council Planning Officer and this application; the allegations had been found to be unsubstantiated. The Head of Service also reported on two letters which had been sent directly by Sparkwell Parish Council to Members of the

Committee since publication of the Report (PTE/16/59) and on the site visit by Members of the Committee that had been held the previous day (having also heard, from Sparkwell Village Hall, the blast sound from the Mine).

The matter having been debated and having regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Sanders and

RESOLVED

(a) that the application to vary Condition 3 (to extend the life of the site from June 2021 to June 2036) and to remove Condition 13 (restriction of hours of operation of the primary crusher) of the existing permission be granted; and

(b) that the remaining conditions be amended as set out in Appendix II to Report PTE/16/59;

(c) that the terms of the Unilateral Undertaking attached at Appendix III to Report PTE/16/59 be noted;

(d) that the Habitats Regulations Assessment attached at Appendix IV to Report PTE/16/59 be noted.

* 31

County Matter: Waste East Devon District: Proposed relocation of the EMS Skip Hire and waste transfer facility, Hill Barton Business Park, Clyst St Mary

(Councillor Bowden declared a personal interest in this matter by virtue of being a member of the Hill Barton Business Park Liaison Group).

(Mr A Sayers (Farringdon Residents' Association) and Mr Frey attended under the Council's Public Participation Scheme and spoke against the application and Mr Stewart (applicant) attended and spoke in support, at the invitation of the Committee).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/16/60) on an application for the relocation of the EMS Skip Hire and waste transfer facility, including the erection of a materials recycling building, to accommodate the processing, storing and recycling of general skip waste and office accommodation at Hill Barton Business Park, Clyst St Mary.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also had regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Wragg and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II to Report PTE/16/60 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and the local County Councillor and with the following change to condition 7 (Hours of Operation):

'(ii) Vehicles shall leave the site only between the hours of 0630 to 1700 Mondays to Fridays and 0630 to 1300 hours on Saturdays'.

* **32** **County Council Development: Teignbridge District: Widening of an existing footway to accommodate cyclists at Tucks Plot, A379, Dawlish**

(Councillor Gribble declared a personal interest in this matter by virtue of being the Deputy Leader of Teignbridge District Council)

The Committee considered the report of the Head of Planning, Transportation and Environment (PTE/16/60) on an application for the widening of an existing 60m section of footway to provide a 4.0m wide cycle/footway to accommodate cyclists at Tucks Plot, A379 that leads through Tucks Plot, located within the town centre of Dawlish. The Committee noted that following further discussions with Officers Dawlish Town Council had withdrawn its objections.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also had regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED that permission be granted subject to the conditions set out in Appendix II to this report with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local County Councillor.

* **33** **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/16/62) of action taken under delegated powers.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 4.25 pm

STANDARDS COMMITTEE

7 November 2016

Present:-

Councillors C Chugg, P Colthorpe, A Connett, G Gribble, R Hill and J Mathews

Alderman Sir Simon Day, Mr R Hodgins, Mrs A Mayes and Mrs R Saltmarsh

Apologies:-

Councillor A Moulding and Mr V Sullivan

7 ***Election of Chairman**

RESOLVED that Councillor Gribble be elected Chairman for the meeting.

8 ***Minutes**

RESOLVED that the minutes of the meeting held on 4 July 2016 be signed as a correct record.

9 ***Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chairman reported the resignation of Mr Sullivan, a Co-opted Member, from the Committee with effect from 30 November 2016; the appointment of a replacement representative would be determined by the County Council at the next Annual Meeting, in 2017.

10 ***Customer Feedback Monitoring Report**

The Committee considered the Report of the Head of Digital Transformation & Business Support ([BSS/16/15](#)) on feedback, compliments, representations and complaints received and handled by the County Council for the first two quarters of 2016/17.

Members noted that, at Quarter 2, 96% of Stage I complaints across the Council had received an initial acknowledgement/response within required timescales which was an improvement over both the preceding quarter (95%) and the corresponding period in the previous year. Notwithstanding minor fluctuations in the number of complaints received at both Stages I and II effective case management had enabled required deadlines to be met. There had been a marked increase in the number of Stage II complaints which could, potentially, have had a deleterious effect on resources but appropriate management action had again proved effective in preventing any problems arising. The number of compliments received had also increased from Quarter 1 to Quarter 2 and over the corresponding period in the previous year.

Members expressed concern at the relatively low level for final responses, generally, for People's Services complaints (59% at Quarter 2) which it was felt should be significantly higher, recognising that action had and was being taken to improve that position.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Mathews, and

RESOLVED

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STANDARDS COMMITTEE
7/11/16

(a) that the Report be noted; and

(b) that, in future Reports, any reference to the number of enquires received from County Councillors should also clearly acknowledge that the vast majority of such enquires would, in the normal course of events, be pursued with the relevant service direct rather than through the Customer Service Centre/feedback system and that the numbers referred to in this Report necessarily therefore represented only a very small minority of such referrals.

11 *Local Government Ombudsman Complaints: Annual Report 2015/16 and Ombudsman's Annual Letter

The Committee considered the Joint Report of the Ombudsman Link Officer and Head of Digital Transformation & Business Support ([BSS/16/16](#)) on the outcome of complaints lodged and/or determined during 2015/16 and on the Ombudsman's Annual Review Letter for 2016.

Members acknowledged that while there had been an increase in the number of complaints registered with the Ombudsman this was felt to be a direct consequence of the changes made by the Council to its customer feedback policy and the separate national awareness campaigns by the Ombudsman.

The Head of Service advised that of the 147 decisions made by the Ombudsman during 2015/16 only 18 (12%) had been adjudged to have been upheld or a determination of injustice or fault made; including those cases where the Council had agreed to take corrective action during the investigation or had itself remedied the situation before the complaint had been made to the Ombudsman. This compared favourably to the figure of 17% in 2014/15.

In comparing the County Council with its CIPFA comparators, the County Council had the 2nd highest number of complaints referred to the Ombudsman which had not subsequently been investigated and the 2nd lowest percentage of complaints were investigated and upheld. Complaints upheld were within normal parameters and there had been no significant criticism by the Ombudsman of the Council's policies or procedures and Members were assured that there were no continuing causes for concern.

The Ombudsman's Annual Review also confirmed her previously trailed intention to focus in future on complaint outcomes rather than simply the numbers of complaints received, as a means of establishing a clearer and more comprehensive assessment of a Council's performance. The Ombudsman's Annual letter also outlined progress with the creation of a single Ombudsman for Public Service in England upon which draft legislation was expected to be published shortly.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Mathews, and

RESOLVED

(a) that Report BSS/16/16 be received and the summary of complaints made to the Local Government Ombudsman referred to the Council during 2015/16 and their outcomes be noted;

(b) that the content of the Ombudsman's Annual Review Letter to the Council be noted together with the improvements that revealed in regard to Devon's approach to complaints and in how it compared to its CIPFA comparators;

(c) that the Committee welcome the intention of the Ombudsman in 2016/17, as a result of feedback from Local Authorities, to provide additional information to focus the statistics more on the outcome from complaints rather than just the numbers of complaints received.

12 ***Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor (CS/16/33) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting, monitoring compliance by Members and Officers with the Council's ethical governance framework.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions and following the next Quadrennial County Council elections.

13 ***The Standards Regime**

The County Solicitor reported upon (i) a Law Commission consultation on the law of misconduct in public office, seeking to clarify and codify the existing common law offence and (ii) a request from Somerset County Council for support in representations seeking a change in the Localism Act 2011 relating to the sanctions available to Councils under the existing standards regime.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Gribble, and

RESOLVED that the review/requests be noted but that no further action be taken at this time, the Committee being of the view there are sufficient safeguards currently in place, in both cases.

14 ***Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, one complaint concerning an alleged breach of the Members Code of Conduct had been received relating to the potential for a Councillor to exercise undue influence and not having acted in the public interest.

Following an initial assessment of the complaint and consultation with an Independent Person appointed by the Council it had been agreed that no further action should be taken on the complaint on the basis that the evidence submitted did not disclose any potential or material breach of the code to merit or warrant further investigation, that the actions complained of were not capable of resulting in a breach of the Code of Conduct and, accordingly, could not therefore be investigated.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.16 pm

AUDIT COMMITTEE

22 November 2016

Present:-

Councillors R Edgell (Chairman), C Clarence, A Hannan, D Hannon and B Hughes

* **16** **Minutes**

RESOLVED that the Minutes of the meeting held on 7 September 2016 be signed as a correct record

* **17** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **18** **Annual Audit Letter 2015/16**

The Committee received the Annual Audit Letter from Grant Thornton (CT/16/98) issuing unqualified opinions on the Council's 2015/16 financial statements; the Pension Fund financial statements and "Value for Money" conclusion 2015/16.

Grant Thornton were still unable to certify the accounts as complete pending the outcome of an investigation following an Objection received, as reported at the last meeting, but good progress was being made and it was hoped to be able to certify the accounts shortly.

* **19** **External Audit Update**

The Committee received a Report from Grant Thornton (CT/16/100) setting out the progress made in delivering their responsibilities as external auditors for the Council and giving a summary of relevant emerging national issues and developments.

* **20** **Internal Audit Half Year Report 2016/17**

The Committee considered the Report of the County Treasurer (CT/16/99) providing a six month audit opinion of the Council's Internal Audit Service and progress to date against the internal audit plans for 2016/17. The opinion was that an effective framework of control was in place providing reasonable assurance regarding the effective, efficient and economic achievements of its objectives.

In response to Members' questions on the Corporate Services risk area of HR – Consultants, the Head of Devon Audit Partnership advised that officers would be reminded of the importance of the policy to be followed when engaging consultants;

It was **MOVED** by Councillor Hannon, **SECONDED** by Councillor Hannan and

RESOLVED

(a) that the internal audit opinion that the Council's systems contain a satisfactory level of internal control be noted;

(b) that the satisfactory performance and achievements of Devon Audit Partnership during the first six months of 2016/17 be noted;

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(c) that the Council's continuing commitment to the maintenance and enhancement of an anti-fraud culture be endorsed.

21 Appointment of External Auditor

The Committee considered the Report of the County Treasurer (CT/16/93) setting out the arrangements for the appointment of External Auditors.

It was **MOVED** by Councillor Clarence, **SECONDED** by Councillor Hannon and

RESOLVED that the County Council be recommended to endorse the proposal that the Council join the Public Sector Audit Appointments national framework for appointing the External Auditor.

* **22 Annual Report of the Corporate Risk Management Group**

The Committee considered the Report of the Chief Officer (OD/16/1) updating Members on risk management practice within the Council.

The Chief Officer for Communities, Public Health, Environment and Prosperity advised that the risk recording tool Spar.net had now been decommissioned and a new tool had been built using the Council's WordPress infrastructure; Members would be sent a link to the new tool.

It was reported that the Emergency Planning Team had in the past year established Devon Emergency Planning Service to provide emergency planning advice, standardised plans and training to Devon District Councils. Six District Councils had joined and details of those that had not would be circulated direct to Members.

It was **MOVED** by Councillor Hannon, **SECONDED** by Councillor Hannan and

RESOLVED

(a) that the effective development and operation of risk management in the Council continue to be monitored;

(b) that the updated risk registers be noted;

(c) that the Chief Officer for Communities, Public Health, Environment and Prosperity be requested to attend the next meeting to update Members on the corporate risk management.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.16 pm

PUBLIC RIGHTS OF WAY COMMITTEE

24 November 2016

Present:

Councillors P Sanders (Chairman), P Colthorpe, A Eastman, R Gilbert, J Knight and E Morse

Apologies:

Councillors J Brook and G Hook

* 11

Minutes

RESOLVED that the minutes of the meeting held on 8 July 2016 be signed as a correct record.

* 12

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 13 October 2016. The next meeting of the Forum would be held at the Stover Country Park on 26 January 2017 and would be open to the public.

* 13

Public Rights of Way Update

The Chief Officer for Highways, Infrastructure Development and Waste reported on national and local matters relevant to the Committee's work, including:

- the updating of the Public Rights of Way website (<https://new.devon.gov.uk/prow/>) which included an interactive Rights of Way map, Definitive Maps with links to national guidance and policy documents;
- consultations would be also included on the website (in preparation for changes resulting from the Deregulation Act, as there would be no requirement for them to be advertised in the local press);
- the continuing delay in publishing the necessary Regulations resulting from the Deregulation Act 2015; a further update would be given at the next meeting;
- the deadline for tenders for the two year maintenance and improvement contract for the Public Rights of Way and Country Parks would close on 25 November 2016;
- Natural England would be reporting next March on coastal areas in North Devon and South Devon.

* 14

Parish Reviews: Definitive Map Review 2015/16 - Parishes of Clyst St Mary and Sowton (administered as Bishops Clyst)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/9) and background papers available prior to and at the meeting examining the Definitive Map Review for the Parishes of Clyst St Mary and Sowton, which was administered as Bishops Clyst.

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It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Gilbert and

RESOLVED that an Order be made to add a Public Footpath to the Definitive Map and Statement for Sowton Parish as shown between points A-B-C-D-E-B and F-G, as shown on drawing number HCW/PROW/16/12v2.

* **15** **Parish Review: Definitive Map Review - Parish of Ilfracombe (Part 3)**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/10) and background papers available prior to and at the meeting examining a Schedule 14 application at Higher Slade in the Parish of Ilfracombe.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath to the Definitive Map and Statement between points A-B-C along Doggie Lane, as shown on drawing number HCW/PROW/16/35.

* **16** **Parish Review: Definitive Map Review 2006/16 - Parish of Luppitt Part 2 with part of Upottery Parish**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/11) and background papers available prior to and at the meeting examining give proposals arising out of the Definitive Map Review in the Parish of Luppitt.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Gilbert and

RESOLVED that Modification Orders be not made in respect of Proposals 15-19 for the applications to record claimed public footpaths in parts of Luppitt Parish and an adjoining part of Upottery Parish.

* **17** **Parish Review: Definitive Map Review 1997-2016 - Parish of Zeal Monachorum**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/12) examining the Definitive Map Review in the Parish of Zeal Monachorum,

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that the Committee note that the Definitive Map Review in the Parish of Zeal Monachorum was complete and no modifications were required.

* **18** **Addition of public footpath through Brimhay from Gidley's Meadow to Forder Lane in the Parish of Dartington**

(Mrs Turrell and Councillor Mrs Hodgson (South Hams District Council) attended the meeting under the Council's Public Participation Scheme and spoke to this item on behalf of the applicant and in support, respectively, of the Schedule 14 Application).

The Committee received the Report of the Chief Officer of Highways, Infrastructure Development and Waste (HIW/16/13) and background papers available prior to and at the meeting examining a Schedule 14 application made in June 2015 for the addition of a public footpath from Forder Lane House on Gidley's Meadow, Brimhay to Forder Lane in the Parish of Dartington.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement and record a public footpath along the line A-C-B as shown on drawing number HWC/PROW/16/24.

* **19** **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/14) of Modification Orders received from the Secretary of State/High Court, namely:

(a) Modification Orders

(i) Footpaths No. 8, Northleigh, No. 3, Farway, No. 6, Colyton and No. 10, Southleigh Definitive Map Modification Order 2013 – not confirmed.

(ii) Schedule 14 Applications for the addition of a footpath between the road near Carpenter's Hill in Combe Raleigh, and Greenway Lane near Greenway Manor in Luppitt (Combe Raleigh proposal 9/Luppitt proposal 10) – Appeal dismissed.

(iii) Schedule 14 Applications for the addition of a footpath from the Dunkeswell to Honiton Road near Combe House in Combe Raleigh, to the minor county road near Lower Shelvin Farm in Luppitt (Combe Raleigh proposal 8/Luppitt proposal 9) – Appeal allowed.

(b) Public Path Orders

(i) Footpath No. 26, Exeter Rail Crossing Diversion Order 2015 – confirmed with modifications.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Knight and

RESOLVED that the report be noted and, following the Secretary of State's direction in respect of item (a)(iii), authorisation be given for an Order to be made adding the footpath as shown between points V-W-X on drawing number HTM/PROW/14/83.

* **20** **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/15) of Modification Orders confirmed as unopposed under delegated powers, namely:

- (a) Bridleway No. 54, Clayhidon Definitive Map Modification Order 2016
- (b) Restricted Byway No. 53, Clayhidon Definitive Map Modification Order 2016
- (c) Footpath Nos. 40, 88 & 112, Ilfracombe Definitive Map Modification Order 2016
- (d) Footpath No. 65, Ilfracombe Definitive Map Modification Order 2016
- (e) Bridleway No. 66, Ilfracombe Definitive Map Modification Order 2016
- (f) Footpath No. 109, Ilfracombe Definitive Map Modification Order 2016
- (g) Footpath No. 122, Ilfracombe Definitive Map Modification Order 2016

* **21** **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/16) of Public path Orders made and confirmed under delegated powers, namely:

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(a) Diversion Orders

- (i) Footpath No. 75, Bere Ferrers Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (ii) Footpath No. 91, Bere Ferrers Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (iii) Bridleway Nos. 4, Morthoe and Georgeham Public Path Diversion and Definitive Map and Statement Modification Order 2013
- (iv) Footpath No. 35, Hemyock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (v) Footpath No. 2, Buckland Brewer Public Path Diversion Order 2016
- (vi) Footpath No. 39, Chardstock Public Path Diversion Order 2016
- (vii) Bridleway No. 22, Hennock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (viii) Bridleway No. 12 and Footpath No. 13, Dunkeswell Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (ix) Footpath No. 12, South Huish Public Path Diversion and Definitive Map and Statement Modification Order 2013
- (x) Footpath No. 1, Berrynarbor Public Path Diversion and Definitive Map and Statement Modification Order 2014
- (xi) Footpath No. 3, North Molton Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (xii) Footpath Nos. 1 and 10, Bondleigh Public Path Diversion Order 2016
- (xiii) Footpath No. 1, Bondleigh Public Path Diversion Order 2016
- (xiv) Footpath No. 51, Chardstock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (xv) Bridleway No. 44, Shaugh Prior Temporary Public Path Diversion Order 2016

(b) Creation Orders/Agreements

- (i) Footpath No. 6, Strete Public Path Creation Agreements 2016 (x8)
- (ii) Footpath No. 28a, Newton & Noss Public Path Creation Agreement 2016
- (iii) Footpath No. 39, Newton & Noss Public Path Creation Order 2014

(c) Extinguishment Orders

- (i) Footpath No. 5, Chawleigh (Part) Public Path Extinguishment and Definitive Map and Statement Modification Order 2016
- (ii) Footpath No. 22, Dunkeswell Public Path Extinguishment and Definitive Map and Statement Modification Order 2015
- (iii) Footpath No. 10, Holbeton and No. 39, Newton and Noss Public Path Extinguishment Order 2014

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.30 pm

INVESTMENT AND PENSION FUND COMMITTEE

2 December 2016

Present:-

Devon County Council

Councillors R Gilbert (Chairman), C Channon, R Edgell, D Hannon, R Hill and R Hosking.

Other Employers

Councillors M Hicks and L Parker Delaz Ajete

Unison and Retired Members: Non Voting Observers

C Lomax and J Rimron

Apologies:-

Councillor P Edwards and R Franceschini

Also in attendance

Mr A Bowman and Mr W Nicholls (Devon Pension Board)

* 23

Minutes

RESOLVED that the minutes of the meeting held on 16 September 2016 be signed as a correct record.

* 24

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 25

Devon Pension Board

The Committee received the minutes of the meeting held on 20 October 2016 noting, in particular, the comments of the Board at Minutes 22(b) (Funding Strategy Statement) and Minute 24 (Devon Pension Fund Risk Register) which Officers undertook to address in future Reports, as appropriate.

The County Solicitor also reported, as previously requested (Minute 13/16 September 2016), on the wording of a statement previously adopted by the Devon Pension Board and commended to this Committee, which reflected it's [the Board's] desire to maintain and demonstrate it's impartiality at all times: that notwithstanding the existing guidance on conflicts of interest thereby it should endorse a number of principles that were already well established in a number of local authority quasi-judicial, regulatory committees viz:

'The deliberations of the Board should leave no grounds for suggesting with any justification that a decision has been partial, biased, or not in any way well founded. Whilst Members of the Board may be influenced by the opinions of others, their decisions must not discriminate in favour of any individual, group or area, nor appear to do so, but must be in the best interests of the Fund and Scheme Members. Members of the Board should preserve their role as impartial advisers and it would be unacceptable for any instruction to be given by or on behalf of a political party or of any other body whose principle purpose is to influence public opinion or policy as to how any Member of the Board shall speak or vote on any matter before the Board or for there to be any application or threat to apply any sanction against any Member of the Board should he/she speak or vote in any particular manner.'

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The Committee was advised that the purpose of such a statement was simply to be clear and transparent about the way in which it worked and that it would not countenance any interference in or attempt to influence its deliberations or the views or intentions of individual members; operating in the best interests of the Fund and Scheme Members, acknowledging as was the case with Scrutiny Committees, that 'whipping' was incompatible in principle with the work of this Committee.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Parker Delaz Ajete, and

RESOLVED that the Committee endorse the statement of impartiality as commended by the Devon Pension Board and set out above.

* **26** **Actuarial Valuation**

The Committee received and noted the report of the County Treasurer (CT/16/103) outlining the results at a total Fund level of the 2016 actuarial valuation. The Valuation, had determined that the funding level as at 31 March 2016 had increased from 83% at the previous valuation to 84%. However, the average total contribution rate had increased from 18.8% to 20.9%.

Members noted that the increase would have an impact on employer budgets, which may not be welcome at a time of significant funding pressures. However, it was required to ensure the long term solvency of the fund to meet fund member benefits and to achieve the long term cost efficiency requirement of Section 13 of the Public Sector Pensions Act 2013. The Devon Fund would still be at the lower end of the range of employer contribution rates charged by LGPS funds nationally.

* **27** **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/16/104) on the current fund values and asset allocations compared to targets set previously, the impact upon returns and the value of Sterling of the outcome of the EU Referendum and subsequent rebalancing of allocations into equities, in line with the Committee's agreed policy and also the proposal to increase the level of currency hedging.

The Committee acknowledged that fund value had increased over the period with an absolute return of +10.6% in the first six months of the year compared to the fund benchmark of +9.3%.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hannon, **SECONDED** by Councillor Parker Delaz Ajete, and nem com:

RESOLVED

(a) that the action taken to rebalance the asset allocation to within target ranges be noted;

(b) that the County Treasurer be authorised, in consultation with the Chairman of the Committee, to put in place additional currency hedging strategies, as outlined in section 3 of Report CT/16/4, if necessary;

(c) that the Committee note and welcome compliance with the 2016/17 Treasury Management Strategy.

COUNCILLOR CHANNON IN THE CHAIR

* 28 Applications for Admitted Body Status

(Councillor Gilbert declared a disclosable pecuniary interest in this matter by virtue of his spouse being employed by FUSION and he and Councillor Hicks also declared such interests by virtue of being South Hams District Councillors and both withdrew from the meeting during its consideration).

The Committee noted that the following applications for admitted body status had been approved under delegated powers:

(a) DYS Space Ltd (provider of Devon County Council's Youth Services): approximately 80 staff transferring on 1 February 2017 under an admission agreement on a closed basis;

(b) South Hams District Council and West Devon Borough Council (provider of leisure services to Fusion Lifestyle): 74 current LGPS members transferring from Tone Leisure under an admission agreement on a closed basis.

COUNCILLOR GILBERT IN THE CHAIR

* 29 Committee Training

The Committee noted the details of a training event to be held on 3 February 2017 (10.00-1600hrs) focussing on the strategic investment review previously agreed by the Committee on 16 September 2016 (Minute 18 refers). The Consultants engaged for that purpose would present their draft report to Members for comment/feedback prior to the final report being submitted to the Committee for consideration on 24 February 2017.

30 Brunel Pension Partnership - Approval of Full Business Case (Minute 15/16 September 2016)

The Committee considered the Report of the County Treasurer (CT/16/105) outlining the process of preparation and content of the full Business Case - and seeking approval thereto - to establish a company called Brunel Pension Partnership Ltd (Brunel company or BPP Ltd), regulated by the Financial Conduct Authority (FCA), incorporating governance arrangements for client side joint shareholder oversight and joint contract management.

The Business Case had been developed as detailed below and set out more fully in the County Treasurer's Report and had been subject to review by the Finance (s151) and Monitoring Officers of each of the 10 constituent administering authorities, throughout the process. It had subsequently been endorsed by the current Shadow Oversight Board, comprising the Chairmen of the 10 funds. It [the business case] had been prepared by Officers of the 10 administering authorities, supported by professional expertise from PwC (operational and financial support), Osborne Clark (legal support), Alpha (FCA expertise), JLT (project support) and Bfinance (investment advice).

The Committee were reminded that, following the Government's announcement in the July 2015 budget statement that it intended to work with Local Government Pension Scheme (LGPS) administering authorities to ensure that they pooled investments to significantly reduce costs, a considerable amount of work had been undertaken to set up the Brunel Pension Partnership comprising the 10 LGPS Funds.

Members acknowledged that regular reports had been brought to the Committee at all stages of the process with additional engagement events held to afford the opportunity for the Committee to provide input to the proposals. Briefings had also been provided for other Members of the County Council. As had been required, an initial joint submission from the 10 Brunel funds had been approved by the Committee in February and a further more detailed

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response had been approved by the Committee in June (and by the other 9 administering authorities) and subsequently submitted to Government, in July. Members noted that following that 'submission' - which had in effect been an outline business case - work had continued on preparing a full business case for the Brunel Pension Partnership. That was now complete (as now submitted) and would have to be approved by each of the 10 administering authorities to allow the establishment of the Local Authority Company to progress.

The final business case was set out at Appendix A to the County Treasurer's Report and detailed, inter alia, the individual costs and benefits for each of the 10 participating funds, copies of which had also been made available to Members of the Devon Pension Board.

The regulatory framework for pooling was clearly set out in the Local Government Pension Scheme (Management & Investment Funds) Regulations 2016 which made pooling mandatory for all LGPS Funds in England and Wales.

Members expressed their support of representations previously made to the Department for Communities & Local Government to waive or suspend stamp duty during the establishment of the new pooling arrangements and/or for any new pooling arrangements to be treated in an equitable manner to collective unit trusts which, it was understood, had been recently exempted from stamp duty.

The Committee acknowledged and endorsed the principle of representations made about the importance of scheme members' involvement in governance of any future arrangements, acknowledging also the Chairman's assurances that there was common cause on that issue within the County Council in that respect. Members were advised that the Partnership was currently investigating how that might be implemented through, for example, observer roles on the Oversight Board. Members also noted that the Local Government Association was looking at this issue and its guidance was awaited which could then be considered alongside the advice already sought from the Partnerships Advisers. The Partnership would then subsequently be in a position to consider formally the representation of fund members and the outcome of those deliberations would be made known to Unions and Scheme Members, in line with the Partnerships approach to transparency.

It was then **MOVED** by Councillor Edgell, **SECONDED** by Councillor Channon, and

RESOLVED that the press and public be now excluded from the meeting during subsequent discussion on this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, information about the financial and business affairs of the County Council and its partners in the Brunel Pension Partnership and of the proposed joint local authority owned company and potential provider of goods or services to the Council, and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

[NB: The following part of the Committee's proceedings on this matter took place, as summarised below, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 during which the press and public were excluded; no representations having been received to such consideration under Regulation 5(5) of the aforementioned Regulations].

The Committee then considered the full, detailed, Business Case for the establishment of Brunel Pension Partnership Ltd (Brunel company or BPP Ltd) (a company regulated by the Financial Conduct Authority), together with all relevant background papers, to be approved by all 10 Brunel Pension partners/constituent administering authorities.

Following discussion of the business case and having had regard to the information therein, the Committee was of the view that the press and public need no longer be excluded from the meeting during its final determination of the matter and:

It was then **MOVED** by Councillor Gilbert **SECONDED** by Councillor Channon, and

RESOLVED that the press and public be now readmitted to the meeting.

Following further comment and discussion and the matter having been fully debated and the options and/or alternatives and other relevant factors set out in the Head of Service's Report and/or referred to above having been considered, and balancing all of those factors and comments made at the meeting:

It was then **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hannon, and nem com:

RESOLVED

(a) that, in its capacity as the Administering Authority for the Devon Pension Fund and having received and reviewed the recommendation of the Investment & Pension Fund Committee and the Business Case submitted to it, the County Council be recommended to resolve to enter into investment pooling as part of the Brunel Project with respect to the Devon Pension Fund's investments;

(b) that such resolution be made on and subject to the following terms and conditions:

(i) that the Brunel Pension Partnership investment pool be developed, funded and implemented substantially in accordance with the terms and provisions described in the Business Case considered by the Investment & Pension Fund Committee, and more particularly that:

(ii) that a Financial Conduct Authority (FCA) regulated company to be named Brunel Pension Partnership Limited be established and operated with all necessary and appropriate arrangements as to its ownership, structure, governance and services capability;

(iii) that a new supervisory body comprising representatives of the Council and all other participants in the Brunel Pension Partnership be established to ensure oversight of Devon Pension Fund investments and participation in the Brunel Pension Partnership;

(c) that the Investment & Pension Fund Committee be authorised and granted delegated powers to undertake such tasks as it thinks appropriate to progress implementation of investment pooling and to take such decisions and do all other things deemed necessary in order to promote the interests of the Council with respect to pooling: which without limitation shall include agreeing and authorising any documentation, contracts, terms of reference, financial expenditure or investment that may be required consequential upon the Fund's participation in the Brunel Pension Partnership;

(d) that the County Treasurer and the County Solicitor be similarly authorised and granted delegated powers to undertake such tasks as they think appropriate to progress implementation of investment pooling and to take such decisions and do all things deemed necessary in order to support the Investment & Pension Fund Committee and to promote the interests of the Council with respect to pooling: which without limitation shall include informing and advising the Investment & Pension Fund Committee on the continued viability and suitability of investment pooling in the light of any developments, financial or otherwise, in the period up to the establishment of the Brunel Pension Partnership;

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(e) that subject to the above, all such matters be carried out with the aim of achieving a target date for beginning investment pooling of 1 April 2018, and otherwise subject to such intermediate steps and timescales as may be considered appropriate and necessary by the Investment & Pension Fund Committee;

(f) that, additionally, the County Council be asked to note the continuing discussions around the principle of scheme member involvement in formal oversight arrangements referred to above which the Committee was supportive of and felt should be regarded favourably.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 11.00 am

HEALTH AND WELLBEING SCRUTINY COMMITTEE

8 November 2016

Present:-

Councillors R Westlake (Chairman), A Boyd, J Brook, C Chugg, C Clarence, P Colthorpe, P Diviani, R Gilbert, B Greenslade, G Gribble, R Julian, E Morse, D Sellis (Vice-Chair), E Wragg and C Wright

Members attending in accordance with Standing Order 25

Councillors K Ball, S Barker, F Beiderman, J Brazil, A Davis, M Edmunds, J Hawkins and J McInnes

* 25

Minutes

RESOLVED that the Minutes of the meeting held on 17 September 2016 be signed as a correct record.

* 26

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 27

Public Participation: Representations

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr Wardman (Minute 28), Mr Williams (Minute 32), Ms Martin (minute 28), Mr Wearne (Minute 32), Ms Pearson (Minute 34), Dr Gardner (Minute 33), Ms Fuller (Minute 32), Ms Goffey (Minute 33) and Mr Perry (Minute 33) and on matters to be considered by the Committee that day, namely Secretary of State Response: Torrington (Minute 28 below refers), the Sustainable and Transformation Plan (Minute 32 below refers) and the 'Your Future Care' consultation (Minute 33 below refers) and co-location of stroke services (Minute 34 below refers) commenting in particular on the referral process and representations, views of local community groups and concerns about the impact on local health and social care services. The Chairman responded, thanking the speakers for their attendance and presentations which would be taken into account by the Committee during its subsequent deliberations.

* 28

Referral to the Secretary of State for Health and Independent Review Panel Advice: Torrington (Minute 5)

The Committee considered the letter received from the Secretary of State for Health on the reconfiguration of health services in Torrington and the Independent Review Panel advice following the referral made by this Committee, noting the Town Council and other local community concerns about the content of Committee's submission to the Secretary of State together with the request that the STITCH Report and representations from the Town Council be forwarded to the Secretary of State in full.

It was **MOVED** by Councillor Boyd, **SECONDED** by Councillor Greenslade and

RESOLVED

(a) that, consequent upon the Committee's referral to the Secretary of State for Health the submissions/representations by the local community group 'Save the Irreplaceable Torrington

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Community Hospital' (STITCH) and the Torrington Town Council be also submitted (recognising these are not the views of the Committee);

(b) that the local County Member Councillor Boyd be requested to liaise with Geoffrey Cox MP and local community representatives with a view to seeking a meeting with the Secretary of State to discuss the Referral (including the additional information now submitted).

* 29

Notice of Motion: Referral from Cabinet 12 October 2016

(Councillor Biederman attended in accordance with Standing Order 25 and spoke to this item)

The Chairman noted that the Council's Cabinet had previously agreed (Minute 82 refers) as promised by the Leader of the Council on 6 October 2016 (Minutes 55 and 56 thereof refer) to refer the Notices of Motion set out in the names of Councillors and Biederman to this Committee for consideration to this Committee for consideration and report back to a future meeting of the Cabinet.

The Chairman reported that additional issues relating to fair funding for health services in Devon would be investigated by the joint Task Group (with members from Corporate Services Scrutiny Committee) reporting in January 2017. Representations on funding for health services in Devon (and concerns about the Sustainable and Transformation Plan process) had been sent to the Secretary of State by the Chairman following the last meeting and a response by the Parliamentary Under Secretary of State for Community Health and Care had been circulated to Members of the Committee (also circulated at the meeting).

The Committee was now invited to consider any amendments it might wish to offer the Cabinet on the Notices of Motion

It was **MOVED** by Councillor Greenslade, **SECONDED** by Councillor Morse and

RESOLVED that the Cabinet be advised that the Notices of Motion should be accepted as now amended (shown below) in order that Cabinet may make a formal recommendation to Council for consideration on 10 December 2016, noting also the response from the Parliamentary Under Secretary of State for Community Health and Care to earlier representations made on behalf of the Scrutiny Committee about the Sustainability and Transformation Plan and funding:

Proposed Cuts to Devon Health Services and Impacts on Patients (Councillor Biederman)

'This Council is deeply concerned about the impact the proposed cuts to Devon health services will have on patients – especially the loss of whole departments including maternity services at North Devon District Hospital - and massive reduction in acute and community hospital beds across Devon, as set out in the sustainable transformation plan.

This Council also recognises that Governments have ~~deliberately~~ not provided the NHS with a fair ~~the adequate~~ level of funding and now calls on local MPs to lobby government ministers to urgently and significantly increase the level of funding to the NHS, in order to protect our precious health services for current and future generations'.

NHS Success Regime (Councillor Greenslade)

'County Council believes that the NHS Success Regime project for Devon is now ~~seriously~~ flawed and accordingly asks ~~calls-on~~ the Secretary of State for Health and NHS England to put the process on hold, until issues relating to the 'independence' of the Success Regime are investigated and for fair funding to be considered~~cancel it forthwith~~. County Council further calls on Government and NHS England to firstly address the issue of fair funding for our area and to ensure the general election promise of an extra £8 billion of funding for the NHS is taken into account when assessing the claimed deficit for Devon NHS services.

Until funding issues are addressed it is not possible to decide whether or not there is a local NHS budget deficit to be addressed. Unnecessary cuts to local NHS budgets must be avoided!

Devon MP's be asked to support this approach to protecting Devon NHS services"

* **30** **Representations: Your Future Care and Devon Sustainability and Transformation Plan**

The Committee acknowledged representations received from the residents of Okehampton and surrounding areas in respect of the 'Your Future Care' consultation relating to proposed closure of inpatient beds at Okehampton Community hospital and from residents in Northern Devon in relation to concerns over service changes as part of the wider Devon Sustainability Transformation Plan. Copies of the representations currently subject to formal consultations in respect of Your Future Care proposals, were available at the meeting and had been passed to the NEW Devon Clinical Commissioning Group. The Chairman also reported that he had received representations which he would pass to the local CCGs as appropriate.

* **31** **Model of Care: Spotlight Review**

The Committee received the Report of the Spotlight Review (CS/16/34) held on 5th October comprising Members from this Committee, the People's Scrutiny Committee, Torbay Community Services Review Panel and the Plymouth Wellbeing Scrutiny Committee. The review formed part of the on-going work to understand and scrutinise the activities in localities that followed the Sustainability and Transformation Plan.

The Review had agreed that there was general support for the model of care, for better outcomes for patients and for more intensive rehabilitation. However there were concerns over changes in each location and whether the additional services and staff would be in place. There was a need for Councillors to be empowered with information in order to become ambassadors for change. The Scrutiny Committees would have an ongoing role as development of the STP continued and individual areas consulted on changes. The upper tier authorities would have a role in continuing to scrutinise the proposals.

The Committee noted that from hereinafter each authority's Scrutiny Committee could consider how they feed this collective piece of work into their scrutiny deliberations in the future.

The Report would also be used to inform the Fair Funding joint Task Group.

It was **MOVED** BY Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that the Spotlight Review be commended to the Cabinet for approval.

* **32** **Publication of the Wider Devon Sustainability and Transformation Plan**

(Councillors Brazil and Hawkins attended in accordance with Standing Order 25(2) and spoke to this item on the likely impact of service changes arising from the Plan (and subsequent consultations) on health service provision in their respective localities).

Dame Ruth Carnall, Ms A Pedder and Ms L Nicholas attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of the Sustainability and Transformation Plan (STP) Team for wider Devon on the Plan which had been formally published on Friday 4 November (and circulated to all members of the Council). The STP was the local plan to achieve the NHS 'Five Year Forward View' published in October 2014 and designed to provide the

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overarching strategic framework to achieve safe, sustainable and integrated local support by 2021 and on closing the financial gap that existed, recognising that doing nothing was not an option. The report covered the timeline and the next steps.

The representatives also gave a presentation covering: the Sustainability and Transformation Plan (STP) and its footprint and the NHS organisations involved, and also included care quality and financial challenges, priority areas and aspirations.

The representatives responded to Members' questions relating to:

- the role of local members in calling for additional resources from Government noting that the STP was developing within current resources
- the scope for additional one-off funding in respect of transition arrangements arising from changes
- challenges in delivering services as a result of changes
- information in the 'Case for Change' about comparative costs of acute beds vis a vis costs of care at home, which the representatives undertook to provide to members of the Committee.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that a special meeting of the Committee be arranged (for early December) to consider in detail the recently published Sustainability and Transformation Plan for wider Devon.

* 33

Your Future Care: Consultation

(Councillors Ball attended in accordance with Standing Order 25(2) and spoke to this item and Councillor McInnes attended in accordance with 25 (1) and spoke to this item at the invitation of the Committee expressing local community concerns about the consultation process, the limited options, impact of proposed bed closures at the Okehampton Community Hospital and limitations of care at home in rural areas).

Mr R Sainsbury, Dr S Kerr, and Ms J McNeill attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of NEW Devon CCG on the 'Your Future Care' proposals - an integrated model of care designed to strengthen prevention and out of hospital care and to shift to community based service delivery. The Report outlined, the context, content and process of the consultation and the next steps involving a further report to this Committee on 19 January 2017 with final recommendations/decisions of the NEW CCG Board being reported at 2 March 2017 meeting.

The representatives also gave a presentation covering: the challenges, use of resources and options for service reconfiguration in the CCG's Eastern Locality, and public consultation arrangements which had commenced on 7th October 2016 and would run to 6 January 2017; and also featured a video on a case study highlighting the benefits of care at home.

The Clinical Commissioning Group's representative responded to Members' questions relating to:

- impact of the changes in the west of the Locality
- limitations of care at home and flexibility for patients
- issues relating to the transfer of staff from hospitals to work within the community and the shortage of care staff and work to address the shortages of trained staff across many disciplines
- the checks and safety checks carried out by the CCG before implementation of changes in terms of staffing and resources

- the need for improved dialogue between the CCG and local communities, as part of the consultation process, in assisting the development of viable options in addition to the ones identified.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that NEW CCG be requested to liaise with local Councillors in order to assist with the development of additional options in response to the on-going consultation 'Your Future Care' for communities such as, for example, Okehampton and Honiton.

* **34** **Co-Location of Stroke Services in Northern Devon**

Dr C Bowman representing the Northern Devon Healthcare NHS Trust attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of the Northern Devon Healthcare NHS Trust's proposals to co-locate acute and rehabilitation stroke services at North Devon District Hospital (NDDH) from Bideford Community Hospital. The report outlined the case for change, the proposed stroke pathway and predicted impacts and the overall objectives. The representative also gave a presentation covering: the clinical and sustainability reasons for the change, the impact on Bideford and Barnstaple Community Hospitals, the non-impact on the STP process and engagement activities.

Dr Bowman responded to Members' questions relating to reasons for no consultation on the change which represented an enhancement of service provision, the clinical imperative and engagement activity that would take place.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that the report be noted and a progress report on the changes be brought to this Committee in a year's time.

* **35** **NHS 111 and Out of Hours Cover**

RESOLVED that this item be deferred for consideration at the next meeting.

* **36** **Work Programme**

The Committee noted that the Work Programme had been or would be amended to include a further report on NHS Property Services and rental charges in Devon.

[NB: The Scrutiny Work Programme is available on the Council's website at http://www.devon.gov.uk/scrutiny_programme.htm and the Council/Cabinet Forward Plan is available at http://www.devon.gov.uk/forward_plan]

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 6.13 pm

PLACE SCRUTINY COMMITTEE

15 November 2016

Present:-

Councillors R Radford (Chairman), G Hook, P Bowden, C Clarence, A Eastman, R Edgell, O Foggin, R Hill, B Hughes, R Vint, N Way and J Yabsley

Members attending in accordance with Standing Order 25

Councillors A Leadbetter and S Hughes

Apologies:-

Councillors K Ball

* 22

Minutes

RESOLVED that the minutes of the meeting held on 20 September 2016 be signed as a correct record.

* 23

Items Requiring Urgent Attention

The Chairman reported on the visit by Members of the Committee earlier that day to the Devon Heritage Centre at Great Moor House paying tribute to the service and confirming that a further visit would be arranged for those who had not been able to participate.

* 24

Public Participation

There were no representations from members of the public.

* 25

Utility Companies and Developers' Works

(Representatives of the four main utility companies attended and spoke at the invitation of the Committee, namely:

BT Openreach - M Wrightson and A Swift
Wales and West Utilities – G Bond and R Long
South West Water - L Melliush and B Taylor
Western Power Distribution - S Brothwell and G Halladay).

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/6) on the Council's role in co-ordinating and monitoring the actions of utility companies and their contractors undertaking work on the highway and providing information on current performance and coring compliance.

The Report acknowledged that the impact of the activities of utility companies on the integrity and accessibility of the highway network had long been a concern of the Council. Utility companies had a duty to ensure that any reinstatements were in compliance with all aspects of the nationally approved specifications. Non-compliance could lead to early life failure of the asset.

Members noted that since July 2015 the Council had revised the annual coring programme by coring monthly instead of quarterly. The coring programme for 2015/16 had involved the

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sampling of 301 reinstatements randomly selected across the County, with 146 carriageway sites and 155 footway sites.

The Committee then received a brief presentation from each of the utility representatives referred to above on their performance and plans to improve the quality of reinstatements and prevent sub-standard work.

Those representatives also responded to a number of questions and issues raised, commenting in particular upon:

- their recognition of problems and failures of performance and identification of problem areas;
- measures put in place for improvement including action plans, regular reviews of reinstatements, meeting with sub-contractors; introduction of own coring programme; removal of non-performing contractors and financial penalties imposed upon sub-contractors for failure of reinstatements;
- the effectiveness of action taken by the Council for consistently poor compliance, including prosecutions;
- the statutory duty imposed upon utilities for appropriate signage to be displayed at site works;
- the desire to work more closely with the Highway Authority to adhere to best practice and if possible to utilise the County Council Laboratory to test utilities' own core samples;

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Hook and

RESOLVED

(a) that the Committee welcome the recognition by the Public Utilities that performance needs to be improved and of the benefits of closer working in the County Council;

(b) that Place Scrutiny Committee Members be provided with results of the coring programme direct on a regular basis to enable Members to monitor performance on an ongoing basis;

(c) that the Public Utilities be asked to

(i) confirm in writing the detailed steps they and their contractors are and will be taking to improve performance with a view to ensuring a significant improvement in the level of performance in 2016/17 (equating to at least the level of the highest performing utility company in 2015/16) against which further assessment may be judged; and

(ii) comment upon the use of new and innovative technologies to replace traditional trenches;

(d) that Officers provide an update on performance for 2016/17 as soon as practicable and that

(i) a phased approach to monitoring the standard of compliance with the Specification for the Reinstatements of Openings of the Highway through structured monthly coring be continued;

(ii) all Statutory Undertakers and their contractors looking at systems and methods of working be continued;

(iii) meetings be initiated involving all Statutory Undertakers and their contractors and information shared regarding achieving compliant reinstatements;

(iv) local areas with low compliance rates being looked at and the reasons investigated;

(e) that, should any prosecutions be undertaken for failure to comply with national specifications as identified through the annual coring programme, a community impact assessment or equivalent be submitted to the Court evidencing the costs of rectification works and the financial impact upon the community, on seeking any award for costs;

(f) that Members be encouraged to report perceived failed utility reinstatements to the Neighbourhood Highway Team or failure to erect appropriate signage.

* 26 **Place Services Budget Performance Update 2016/17**

The Committee received the Joint Report of the Chief Officer for Communities, Public Health, Environment and Prosperity and the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/7) on the delivery of the 2016/17 budget in line with strategic objectives and the overall impact on the services.

Members recognised that delivery of the budget would be dependent in part on some volatile areas e.g. winter and emergency maintenance and waste tonnage levels. Members were also advised that:

- funding agreements were in place for European funds made under allocations within the existing round or Government had provided a commitment to underwrite such funding;
- the Public Transport team were on target to achieve budget and deliver savings of £65,000;
- the revised operational arrangements for the provision of a Devon Youth Service were in progress as previously approved by the Cabinet on 14 September 2016;
- the Highways Infrastructure Asset Management Policy, Strategy and Plan had been revised so as to secure maximum Capital funding from Government under the Department for Transport's Incentive Fund;
- the Civil Parking Enforcement Service had been successful in delivering the savings predicted in the business case for bringing the service in-house.

* 27 **Devon Local Flood Risk Management Strategy Update**

The Committee received the Report of the Head of Planning, Transportation and Environment (PTE/16/54) on the continuing progress being made by the Flood and Coastal Risk Management team in delivering the Local Flood Risk Management Strategy and its annual Action Plan and against the previous recommendations of the Committee's Flood Task Group. A number of small minor improvements were being delivered through local funding opportunities such as partnership working with other Risk Management Authorities or direct funding from the Council's Flood Risk Management budgets.

In discussion, the following matters in particular were highlighted:

- the statutory duty to provide an online Asset Register had now been satisfied and was on the Flood Risk Management website and would be continually updated as new flood assets became known.

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- as Statutory Consultee for sustainable drainage issues, significant progress had been made in effective working with district councils.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Hook and

RESOLVED that all Risk Management Authorities (District Councils and Environment Agency) be asked to comment on the level of expertise available to them to enable the Committee, as part of its next annual review, to ensure the effectiveness of Flood Risk Management across the County as a whole, to enable this Committee to take a holistic view and demonstrate that all Risk Management Authorities were working together.

[NB: Further information on the responsibilities for flood risk management can be found on the website at: <https://new.devon.gov.uk/floodriskmanagement/who-is-responsible-for-local-flood-risk-management/> and <https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/>]

* **28** **Connecting Devon and Somerset Programme Update**

(Councillor Leadbetter, Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the Report of the Head of Economy, Enterprise and Skills (EES/16/2) on progress made at the end of the July to September quarter on the Connecting Devon and Somerset Programme (CDS).

The Head of Service undertook to provide Members direct with an update on Airband's remedial plan referred to in the Report and on the timeline for new masts to be brought on line.

* **29** **Place Scrutiny Committee Work Programme**

The Chairman of the Agriculture Task Group outlined the work of the Task Group established to look at the challenges faced by the County's agriculture sector and the impact this has had on the rural economy in Devon, commenting on the initial findings of the Task Group on the ways that the Council and its partners and central government could help support, sustain and develop the industry.

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Cabinet/Council Forward Plan.

The Work Programme was endorsed subject to the addition of Devon Youth Service Update.

[NB: The Scrutiny Work Programme is available on the Council's website at <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1> and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>]

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 5.12 pm

PEOPLE'S SCRUTINY COMMITTEE

17 November 2016

Present:-

Councillors S Randall-Johnson (Chairman), A Connett, A Dewhurst, A Eastman, R Hannaford, A Hannan, R Hosking, R Rowe, P Sanders, M Squires and C Mabin

Members attending in accordance with Standing Order 25

Councillors S Barker and J McInnes

Apologies:-

Councillors E Barisic, F Biederman, C Channon, J Mathews and R Julian

* 22

Minutes

RESOLVED that the minutes of the meeting held on 5 September 2016 be signed as a correct record.

* 23

Public Participation: Representations

There were no representations received.

* 24

Beam House Project (Young Refugees in Devon)

(Councillor McInnes, Cabinet Member for Children, Schools and Skills, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee received and noted the report of and presentation from the Chief Officer for Children's Services (CS/16/01) on the Council's response to the National Transfer Scheme (NTS) for Unaccompanied Asylum Seeking Children (UASC), introduced by Government earlier this year. In partnership with the Home Office, PGL and Catch 22, an independent provider of child care services, Devon had agreed that up to 70 young people (boys aged 16/17 years) at any time could stay at Beam House, a large adventure holiday site in North Devon, as a respite centre. To date, 37 young people had been through or were staying at Beam House and there had been 24 reunifications with family members.

Additionally, Devon had also placed 7 girls from Eritrea/Ethiopia as part of its NTS allocation through an independent fostering agency.

The presentation outlined the positive work undertaken by the different organisations, including:

- managing local resource allocation including GPs, local pharmacies, dentists;
- safeguarding issues;
- press and media management – both national and local;
- community cohesion and liaison;
- assessing mental health needs of the young people and involvement from CAMHS;
- a coordinated partnership approach to identify early issues;
- managing the expectations of the young people;
- positive community involvement.

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Members' congratulated all agencies and staff involved, especially given the short times scales to implement this strategy, as well as the positive and welcoming response by the local community.

* **25** **In-Year Budget Briefing**

(Councillor Barker (Cabinet Member for Adult Social Care & Health Services) attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee)

The Committee considered and noted the report of the County Treasurer (CT/16/92) on the financial position at month 6 of the People's Services' budget, outlining those areas of specific pressures on budgets, potential under and over-spending in the current financial year and on management action being and to be taken.

* **26** **Adults Performance Report**

The Committee received and noted the report of the Head of Adult Commissioning and Health and the Head of Adult Care Operations and Health (SCC/16/54) highlighting areas of good performance and where further improvement and development were needed. Areas presented in the report and discussed by Members included: the Deprivation of Liberties safeguards, the quality of commissioned services, personal care, Delayed Transfers of Care, unfulfilled care packages and waiting times for assessments.

* **27** **Adults Standing Overview Group**

The Committee received a Report of discussions at the meeting on 28 September 2016 (CS/16/35) which focussed on preparing for adulthood and transitions for children and young people with disabilities and Adult Social Care Performance Framework. Concerns at the meeting were also raised around dementia care, and the Committee noted that a Joint Spotlight Review would take place in January with Members of the Health and Wellbeing Scrutiny Committee, following a site visit to Mapleton Community Care Home on 29 November.

* **28** **Children's Standing Overview Group**

The Committee received a Report of discussions at the meeting on 23 September 2016 (CS/16/36) including Eclipse migrations, Special Educational Needs and Disability, Integrated Children's Services and Budget Monitoring for 2016/17. Members also noted the positive site visits to Tiverton and Barnstaple Social Care offices on 11 November.

* **29** **Children and Adolescent Mental Health Services**

The Committee received a joint report (CS/16/07) on developments in Child and Adolescent Mental Health Services (CAMHS) and ongoing service improvements across the emotional and mental health wellbeing system. This also included how Devon CAMHS, in partnership with commissioners, had developed services for children in need of early help for serious conditions such as eating disorders, and for children and young people in crisis.

Members' discussion points with Officers included:

- disparities in practice across the County;
- improving access to psychological therapies;
- Early Help;
- support for pregnant women and mothers;
- eating disorder pathway model;

- Children in care;
- transitions to adult mental health services;
- Crisis Care Team;
- lengthy waiting times;
- improving outcomes for young people.

* 30 **Care Leavers Task Group Report - Update on Progress against Recommendations**

The Committee received the report of the Head of Children's Social Work and Child Protection (CS/16/06) updating Members on the significant progress and improvements made against the recommendation highlighted by the Care Leavers Task Group in November 2015. These areas included: preparation for adulthood, Involvement in Pathway Planning, Working with District Councils on Homelessness prevention, strengthening Corporate Parenting arrangements and improving commissioning of accommodation.

Members' discussion points included:

- apprenticeship and employment opportunities for Care Leavers, which was currently limited; however it had recently been agreed to build capacity in the participation service for Care Leavers;
- concerns over the volume of very young homeless in Exeter.

* 31 **School Exclusions: Educational Outcomes Task Group - Update on progress against recommendations**

The Committee received the report of the Head of Education and Learning (CS/16/03) updating Members on the progress made against recommendations and actions identified by the People's Scrutiny Task Group, noting:

- the monitoring of educational outcomes for disadvantaged pupils and those with special educational needs and disabilities;
- a school research project, led by Babcock, to identify reasons why pupils behaviour becomes problematic, seeking information from schools to highlight strategies which work well to promote inclusion and reduce exclusion rates;
- a scoping project which had been completed to identify how effective pastoral support systems could be developed and provided for all pupils, which identified those schools that were high excluders, those schools that managed inclusion effectively, areas of good practice and areas where there was a need for improved skills, training and resources;
- the performance of West Exe School.

RESOLVED that the Report be noted and that the Research Project in relation to Recommendation 2 and the Scoping Project in relation to Recommendation 4 be circulated to Members for further information.

* 32 **School Exclusions Academic Year 2015/16**

The Committee considered the report of the Head of Education and Learning (CS/16/05) providing the annual overview of exclusions in Devon benchmarked against the latest national data. The number of permanent exclusions had significantly risen by 54% in 2015/16 compared to the previous academic year.

The percentage of permanent exclusions in key stage 4 had fallen from 51% in 2014/15 to 40% in 2015/16; however this was still above the national average for 2015. The number of permanent exclusions in Key Stage 2 had been relatively stable over the past two years, with the number rising significantly in Key Stage 3. However, the report indicated that the largest

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concern was the rise in exclusions in Key Stage 1, which had seen an increase from 3% to 9%, linked to a rise in the number of girls being excluded.

Members' also noted the over representation of children with Special Education Needs and Disabilities (SEND), statements/Education and Health Care Plans, and Free School Meals in terms of school exclusions; and the Council's robust role in terms of school improvement.

* **33** **Devon Education Performance 2015/16**

The Committee considered the report of the Head of Education and Learning (CS/16/04) on the latest assessment information for all key stages and updating on performance in relation to Special Education Needs (SEN) and pupils destinations post 16. Members were informed of recent significant changes to the curriculum and exams in Key Stage 4, moving from a modular to linear system, resulting in a national 2% decline in Maths and English, compared to Devon results which had increased.

* **34** **Children's Social Work and Child Protection - Second Quarter Performance Report**

The Committee considered the Report of the Head of Children's Social Work and Child Protection (CS/16/02) on the second quarter performance of the service. The Report updated Members on Multi-Agency Safeguarding Hub, Early Help, Children in Need, Referrals into statutory children's service, single assessments, child protection enquiries, child protection conferences and repeat child protection plans.

General points discussed with the Cabinet Member and officers included:

- an overall reduction in the use of agency staff covering permanent posts; however there had been a slight increase in the number of staff on maternity leave or sickness leave, which had resulted in the use of agency staff covering these posts;
- the difficulty in recruiting Social Workers to Devon, especially North Devon and to the Team Managers post, as salaries were not competitive enough to encourage qualified workers to the area;
- a slight reduction in the number of enquiries into the Multi-Agency Safeguarding Hub and the number of children going onto Child Protection Plans;
- a reduction of Social Worker caseloads below 20.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 5.55 pm

CORPORATE SERVICES SCRUTINY COMMITTEE

28 November 2016

Present:-

Councillors J Brazil (Chairman), J Berry, A Boyd, P Colthorpe (Vice-Chair), R Hosking, J Knight, J Owen, R Rowe, R Westlake and R Younger-Ross

Apologies:-

Councillors K Ball, M Edmunds, G Gribble, R Julian and J Yabsley

Members attending in accordance with Standing Order 25

Councillors Clatworthy and Parsons

* 20

Minutes

RESOLVED that the minutes of the meeting held on 22 September 2016 be signed as a correct record.

* 21

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 22

Public Participation

There were no oral representations from Members of the Public.

* 23

Budget 2016/17: In Year Briefing

The Committee received a verbal update from the Chief Executive on the in-year position of the budget for 2016/2017. He reported on progress with the delivery of the current financial year's budget for Corporate Services in 2016/17 against the Council's agreed priorities and objectives.

Members noted that Corporate Services were on track to achieve the targeted savings of £3.2m.

Many of the individual Corporate service areas were anticipated to 'break even' at the year end, notwithstanding the pressures experienced within those areas, for example, Business Support delaying a small number of ICT projects, concern over the Coroners budget and the impact of Deprivation of Liberty (DOLS) assessments on the legal budget.

The Council's Public Health Team had also seen in year cuts to the budget of £800,000.

The Chief Executive reported that 2017/2018 would present further challenges in terms of budgetary constraints for the Corporate Services.

Members discussed and asked questions on:

- the impact of other service areas (for example childrens and adults services), which were under huge pressure, on the Corporate budget,;
- clarification of how the Coroners service was funded;

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- how the Council would manage any further reductions of the Public Health Grant, and also the impact of the forthcoming 'health checks' requirements; and
- the view of the LGA of Local Government funding and the potential for some Local Authorities to reach financial crisis in the not too distant future.

* 24 Treasury Management Mid Year Stewardship Report

The Committee considered the Report of the County Treasurer (CT/16/102) which updated on key matters arising from the Council's Treasury and Debt Management activities during the first half of the 2016/17 financial year, to enable Members to satisfy themselves that agreed policy had been implemented.

The Report outlined the Borrowing Strategy and its aims for 2016/17 to 2018/19, the implementation of that Strategy in 2016/17, the Investment Strategy during 2016/17 (and implementation, including the CCLA Property Fund), the current position with the Minimum Revenue Provision (MRP) (a charge to make provision for the repayment of the authority's external debt and internal borrowing), the Council's compliance with the Prudential Indicators as laid out in the CIPFA Code of Practice, and prospects for 2017/18.

As a summary, the report stated that no long term borrowing had been undertaken to date in 2016/17, three short-term loans totalling £10m were undertaken from other local authorities, each for a period of less than 30 days and at an average rate of 0.31%, investment income was forecast to achieve the budget target of £1.215m in 2016/17 and that it was proposed to add Goldman Sachs International Bank to the approved list of counterparties.

In response to Members' questions, the County Treasurer advised that the CCLA Property Fund was performing well, clarified the difference between the fixed and variable interest exposure borrowing limits and the benefits of Goldman Sachs International Bank joining the approved list of Counterparties.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Knight, and

RESOLVED that the Treasury Management Mid Year Report be endorsed and commended to the Cabinet.

* 25 Human Resources Service (HR) Update

(Councillor Parsons attended under SO25 and spoke at the invitation of the Committee).

The Committee received the Report of the Head of Organisational Development (OD/16/2) which updated Members on developments within HR, including HR Service delivery and processes, changes at senior manager level and information on the Service's plans for the remainder of 2016/17 and into the new 2017/18 financial year.

The service had undergone a number of restructures and staffing reductions in recent years, including improvements to the efficiency of transactional services including recruitment and restructuring administration. With the need to make further budget savings, the HRMT of six posts was reduced to one new Head of Human Resources post. The report outlined the budget and staffing position and also current structure as appendices to the report.

The report outlined the HR Service Delivery Plan which set out corporate priorities, service area priorities and also the trial of an HR Business Partnering model which was used extensively in the profession. The model was aligned with the new Corporate Leadership Team structure and would be reviewed at the end of the financial year.

A HR Strategy was in place which had delivered excellent support for staff during exceptional levels of change. It would be reviewed in 2017 in light of further organisational change, the Purposeful Systems work and the recent Peer Review findings.

In the future, HR Strategy would be informed by workforce data and the views of stakeholders and have a focus on embedding organisational change and improving workforce productivity. Also the HR Business Partnering model trial, HR priorities and further budget reductions would impact upon the service from 2017 onwards.

In discussion Members asked the following questions and made the following comments:

- the role and purpose of the proposed HR Management Information System;
- clarification of the areas where retention of staff was difficult;
- the ongoing targeted work with younger staff in the organisation, to better understand recruitment and retention issues;
- the new apprenticeship offer and uses for the new levy that was being introduced;
- Clarification of the categories in relation to sickness absence;
- the importance of balance between retaining staff, but also attracting 'new blood' into the organisation; and
- the work being done in the South West with regard to agency working, including proposed capping, improved robustness with references and the impact of the intermediaries legislation.

* **26** **Data Protection Risks**

(Councillor Parsons attended under SO25 and spoke at the invitation of the Committee).

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/16/17) on Data Protection breach risks. This followed the Committees earlier request for clarity on what a Data Protection breach was, how they were managed; the impact if a breach occurred and what were individuals' responsibilities.

The report outlined the legal definition of a Data Protection breach, under the Data Protection Act 1998 which placed a legal obligation on organisations to handle personal data securely. Examples of breaches or security incidents included the posting of personal data to an incorrect address and it being read, leaving documents containing personal data in a public place or leaving such data unattended at a printer etc.

The Council informed all staff of their obligation to report a security incident. This could be classified as Security incident, High risk internal incident or High risk reportable incident (which would require reporting to the Information Commissioner's Office (ICO)).

Out of 21 incidents reported to the ICO since 2011, only one found that the Council did not have adequate security measures in place to protect the personal data held.

The report further outlined the role of the Information Governance Team / County SIRO in investigating security incidents and their services on improving procedures. In addition, the Council had in place several organisational measures such as the Public Sector Network Compliance, Data Protection e-learning training package, guides and policies for staff, advice provided via Insider, Encrypted email, lockable cupboards, locked printing etc.

The impact of beaches could be significant, including the impact on the people the Council served, but also the potential to be fined up to £500k. The report stressed that all staff and Members had a responsibility.

Finally, Members noted there had been a major reform of the EU Data Protection Directive (95/46/EC), which had resulted in a new General Data Protection Regulation (GDPR) being approved, which would come into effect from May 2018.

Agenda Item 10k

CORPORATE SERVICES SCRUTINY COMMITTEE
28/11/16

Members asked questions and discussed the following issues:

- confirmation that the rise in incidents in 2014 when compared to earlier years was, in the main, due to improved reporting procedures;
- clarification on how the Risk Register scores were calculated and 'rag' ratings applied, through the assessment of both likelihood and impact;
- how the organisation controlled risk when information sharing with other partners and organisations; and
- the process for controlling malicious leaks, both externally and internally.

It was **MOVED** by Councillor Boyd, **SECONDED** by Councillor Knight, and

RESOLVED that the reduction of the Data Protection Risk from a high rating to medium be welcomed.

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Scrutiny Work Programme

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Council/Cabinet Forward Plan.

Members noted there was an ongoing Task Group in relation to NHS funding, which was due to report in January 2017.

They were further advised that the Corporate Risk Register was being refreshed in January, to achieve improved consistency as well as being better aligned to the new organisational structure.

It was **MOVED** by Councillor Brazil, **SECONDED** by Councillor Knight, and

RESOLVED

(a) that the work programme be agreed subject to the addition of the Task Group findings on NHS funding; and

(b) that the Committee take a more robust approach to its consideration of the Risk Register, ensuring responsible officers for those risks attend Committee, whilst also referring matters to other Scrutiny Committees, as appropriate.

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Briefing Papers, Updates & Matters for Information

There were no items received.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.34 pm