

COUNCIL

8 December 2016

Present:-

Chairman: A Moulding

Vice-Chairman: R Rowe

Councillors K Ball, S Barker, J Berry, 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, T Dempster, A Dewhurst, G Dezart, P Diviani, A Eastman, R Edgell, M Edmunds, O Foggin, R Gilbert, B Greenslade, G Gribble, R Hannaford, A Hannan, D Hannon, J Hart, R Hill, G Hook, R Hosking, B Hughes, S Hughes, R Julian, J Knight, A Leadbetter, J McInnes, J Mathews, J Owen, B Parsons, P Prowse, S Randall-Johnson, R Radford, P Sanders, D Sellis, M Squires, R Vint, N Way, R Westlake, E Wragg, C Wright, J Yabsley and R Younger-Ross

Apologies:-

Councillors E Barisic, J Hawkins and J Hone

60 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 6 October 2016 be signed as a correct record.

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

61 Chairman's Announcements

The Chairman reported that the County Council's Social Workers had received a number of accolades at the 2016 Social Worker of the Year Awards, placing them among the highest achieving authorities in the sector. Across 15 categories, celebrating the achievements of social care practitioners supporting children and adults, 8 social workers or social worker teams from Devon had been selected as finalists of whom 3 had subsequently been declared category winners and/or runners-up: namely the Council's Daytime Adult Mental Health Practitioner Service (whose members took Gold to win the Team of the Year category for adult social care); Exeter based Maria Kneller (who took Silver in the Adult Social Worker of the Year category) and Joanna Armstrong (who took Silver in the Practice Educator of the Year category). The other finalists were Jean Beynon and Juanita Scallan (Team Leader of the Year), Jenny Harris (Children's Social Worker of the Year), Mark Pilkington (Newly Qualified Adult Social Worker of the Year) and the Barnstaple Community Health and Social Care Team (Team of the Year, Adult Services). On behalf of the Council, the Chairman paid tribute to the excellent work undertaken by all of the Council's Social workers.

The Chairman also reported that the County Council had received two other awards namely: the Devon Environmental Business Initiatives' Award for Public Service in Devon (for helping communities start up their own renewable energy projects) and the British Construction Industry's 'Community Engagement Award' for the A380 South Devon Highway.

62 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

63 Public Participation: Petitions, Questions and Representations

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

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by a Mr Wearne and a Ms Wood on a matter relating to the functions of the Council, specifically on the impact of the Clinical Commissioning Group's Sustainability & Transformation Plans (STP) for NHS services in Devon.

The Chairman responded, thanking Mr Wearne and Ms Wood for their attendance and presentations, acknowledging representations made by them had been heard by the Members of the Council and would be taken into account, as necessary, at the appropriate stage of the Council's proceedings (Minute 73 below refers).

[NB: See also responses to Questions referred to at Minute 65 below. A copy of all of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

64 Petitions from Members of the Council

There was no petition received from Member of the Council.

65 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 12 questions submitted by Members of the Council relating to Penalty Charge Notices, Strategic Cycle Routes, the High Court Ruling on the Totnes One Way system, Exeter Bus Station Redevelopment, North Devon Link Road, Rail Services, Vehicle Emissions and Green Waste (Landfill, Recycling and Community Composting).

The Leader also responded orally to a question on the Chancellor's Autumn Annual Statement and, alongside Cabinet Members, also responded orally as appropriate, to any supplementary questions arising therefrom.

[NB: A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below].

66 Framework Decision: Brunel Pooling Partnership

(Councillors Davis and Mathews declared Disclosable Pecuniary Interests in this matter by virtue of being a member of the Devon LGPS and in receipt of a widowers pension respectively, and withdrew from the meeting during its consideration).

The Council considered the recommendations of the Investment & Pension Fund Committee held on 2 December 2016 (Minute 30 thereof) relating to the adoption by the County Council of the final Business Plan for the establishment of the Brunel Pooling Partnership.

The Investment & Pension Fund Committee had considered the Report of the County Treasurer (CT/16/105), which had been made available previously for the attention of all Members at this meeting, outlining the process of preparation and content of the full Business Case; to establish a company called Brunel Pension Partnership Ltd (Brunel company or BPP Ltd) regulated by the Financial Conduct Authority (FCA) and incorporating governance arrangements for client side oversight and contract management. The Business Case had been developed as summarised in that Committee's Minutes 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).

Councillor Gilbert, Chairman of the Investment & Pension Fund Committee, **MOVED** and Councillor Edgell **SECONDED** that the recommendations at Minute 30 of that Committee be approved and:

(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 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 is 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:

(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;

(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;

and

(f) that, additionally, the County Council note the continuing discussions around the principle of scheme member involvement in formal oversight arrangements [referred to at Minute 30 of the Investment & Pension Fund Committee], which the Committee were supportive of and felt should be regarded favourably.

The motion was put to the vote and, nem com, declared **CARRIED**.

67 **Cabinet Member Reports**

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

(a) Policy & Corporate

Councillor Hart commented, as requested by Councillor Greenslade, on the current position with regard to Devolution and the impact of the defence review. He also drew attention to recent reports of a possible bid for unitary status by one or more District Council's in Devon acknowledging, were that to prove to be the case, the County Council should, in his view, consider what line to take to safeguard the interests of the whole of the County.

(b) Children, Schools & Skills

Councillor McInnes circulated a report (appended to the published Minutes) and commented, as requested by Councillors Hannaford and Hannan, on action being taken to support West Exe School in the continuing absence of the Head teacher (to ensure it continues to operate effectively) and upon the provisions of the Children & Social Work Bill and representations made to the Minister of State on the Bill, expressing concerns at what was being proposed. He undertook to circulate copies of correspondence relating to the latter to all Members of the Council.

(c) Performance & Engagement

Councillor Parsons circulated a report (appended to the published Minutes) and commented, as requested by Councillor Hannan, on the Council's policies for engaging Consultants and compliance therewith; acknowledging that while the Council's policy did not appear to have been fully complied with in every instance there had been no breach of taxation or HMRC requirements and the rules and administration thereof would be reviewed.

(d) Economy, Growth & Cabinet Liaison for Exeter

Councillor Leadbetter circulated a report (appended to the published Minutes) and commented, as requested by Councillor Westlake, on flood prevention work on and the resilience of the rail network in Devon including an update on the Report of the Peninsula Rail Task Group which had been presented to Parliament on 23 November 2016. The Cabinet Member also commented, as requested by Councillor Hannaford, on discussions held with Exeter City Council to secure action by that Council in reinstating a bank in the Redhills areas of Exeter and upon the rollout of superfast broadband by BT at the Sowton Industrial Estate in Exeter as part of that company's commercial investment which was outside the *Connecting Devon & Somerset Programme*.

He also responded to questions on the resilience of the railway line at Dawlish and Teignmouth and upon the Secretary of State for Transport's recent announcement on the future organisation and delivery of rail services and infrastructure provision upon which further clarification was awaited.

(e) Highway Management & Flood Prevention

Councillor Hughes commented, as requested by Councillors Hook and Greenslade, on yellow box marking at junctions (where any issue should be raised in the first instance with the relevant Neighbourhood Highway Team) and upon the aftermath of flooding caused by Storm Angus, respectively, particularly in relation to communities in North Devon.

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

Councillor Barker circulated a report (appended to the published Minutes) and commented, as requested by Councillor Biederman on the action being taken by the Council to mitigate any identifiable adverse impacts of Clinical Commissioning Groups Sustainability and Transformation Plans on communities and any redirection of resources to deliver likely changes. The Cabinet Member also responded to questions on bed blocking and community hospitals and on funding for all aspects of health and social care.

(g) **Community & Environmental Services**

Councillor Croad commented, as requested by Councillor Dewhirst, on the action being taken by the County Council to facilitate District Council's litter picking on 'high speed' roads, and to discharge its own responsibilities in relation thereto, reiterating the advice given in his response to a previous question by Councillor Dewhirst and referring also to discussions at the Devon Local Government Steering Group on this matter instigated by Teignbridge District Council.

68 **Minutes**

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

Appeals	-	10 October and 14 November 2016
Appointments & Remuneration	-	18 October 2016
Development Management	-	19 October and 23 November 2016
Standards	-	7 November 2016
Audit	-	22 November 2016
Public Rights of Way	-	24 November 2016
Investment and Pension Fund	-	2 December 2016*
Health & Wellbeing Scrutiny	-	8 November 2016
Place Scrutiny	-	15 November 2016**
Peoples Scrutiny	-	17 November 2016
Corporate Services Scrutiny	-	28 November 2016

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

*[*excepting Minute 30 thereof: see Minute 66 above and ** addition of Councillor Greenslade to the list of those present].*

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

Pursuant to County Council Minute 54 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that,

'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'.

and having had regard to the advice of the Cabinet set out in Minute 104(a) of 9 November 2016:

Members then formally moved and duly seconded the amendment(s) shown below and thereafter 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 as it reflects the action already taken by the Council in campaigning for fairer funding for schools, acknowledging the legislative limitations upon Councils in the choice of any new schools that may be established.

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

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

Pursuant to County Council Minute 57 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that:

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.

and having had regard to the advice of the Cabinet set out in Minute 104(b) of 9 November 2016:

Members then formally moved and duly seconded the amendment(s) shown below and thereafter subsequently debated and determined.

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and in recognising:

- that decisions on opening and closing of pharmacies are entirely the responsibility of NHS England;
- the increasing demands being placed upon the wider health service, as has been the case throughout the public sector, and the need for all health services to be financially and clinically suitable, meeting appropriately identified needs;
- the support and desire for an effective pharmacy service given the contribution it may make to equitable, safe, suitable, affordable health & care services both directly and indirectly and particularly in rural areas, as latterly recognised by the Local Government Association;

the Notice of Motion be accepted and representations be made accordingly, urging communities and interested stakeholders to also make representations direct to the relevant decision-maker, NHS England, and to Devon's MPs and Government to ensure the retention of a universal, effective, pharmacy service reflecting the needs of the local community and to maximise, for instance, support available from initiatives such as the Pharmacy Access Scheme.

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

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

Pursuant to County Council Minute 58 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

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 DCC to do more to benefit nature, including:

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)'*

and having had regard to the advice of the Cabinet set out in Minute 104(c) of 9 November 2016:

Members then formally moved and duly seconded the amendment(s) shown below and thereafter subsequently debated and determined.

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion County be approved and the Cabinet review existing policies and action plans (acknowledging that work already undertaken on the production of a new Countryside & Heritage Policy and Action Plan provided an ideal route for doing so); in order that a revised Plan may consequently be submitted to Cabinet in early 2017 incorporating the advice of the Environmental Performance Board as to what further action it would be practicable for the Council to take in support of Countryside and Heritage.

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

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

Pursuant to County Council Minute 59 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Vint that:

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

and notwithstanding the advice of the Cabinet set out in Minute 104(d) of 9 November 2016:

Councillor Hart indicated his willingness to accept the further amendment in the name of Councillor Vint and **MOVED** and Councillor Clatworthy **SECONDED** that, as the Heart of the South West Partnership's "Prospectus for Productivity" is a high level strategic framework document with links to statutory local plans for each District Council the document should reflect the high priority given to affordable housing by all participating councils."

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

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

Pursuant to County Council Minutes 55 and 56 relating to the two Notices of Motion set out below as originally submitted and then formally moved and seconded by Councillors Biederman and Greenslade that:

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 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 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”

and having had regard to the advice of the Health & Wellbeing Scrutiny Committee and the subsequent views of the Cabinet set out in Minutes 29 and 104(e) of 8 and 9 November 2016, respectively, to accept the Notice of Motions in the name of Councillors Biederman and Greenslade as amended [highlighted below] for consideration by the County Council at its next meeting and to the further representations received (Minute 63 above refers).

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”

Members then formally moved and duly seconded the amendment(s) shown below and thereafter subsequently debated and determined.

Councillor Hart then **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted and in accordance with the views of the Health & Wellbeing Scrutiny Committee the Notices of Motion as set out hereunder be accepted:

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 not provided the NHS with a fair 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 flawed and accordingly asks 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]. 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"'.

Councillor Boyd **MOVED** and Councillor Chugg **SECONDED** that in accordance with Standing Order 14(11) 'The Question be Now Put'.

The Motion was put to the vote and declared **CARRIED** and immediately thereafter the mover of the amendment (Councillor Hart) and the movers of the original Notices of Motion (Councillors Biederman and Greenslade) exercised their right of reply to the debate.

Councillor Hart then **MOVED** and Councillor Hughes **SECONDED** that in accordance with Standing Order 32) the vote on the amendment in his name shall be by roll call.

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

The amendment in the name of Councillor Hart was then put to the vote and there being:

for the amendment, Councillors Ball, Barker, Berry, Biederman, Bowden, Boyd, Brazil, Channon, Chugg, Clarence, Clatworthy, Colthorpe, Connett, Croad, Davis, Dempster, Dewhurst, Dezart, Diviani, Eastman, Edgell, Edmunds, Foggin, Gilbert, Greenslade, Gribble, Hannan, Hannon, Hart, Hill, Hook, B Hughes, S Hughes, Julian, Knight, Leadbetter, McInnes, Mathews, Moulding, Owen, Parsons, Prowse, Radford, Randall Johnson, Rowe, Sanders, Sellis, Squires, Vint, Way, Westlake, Wragg, Wright, Yabsley and Younger-Ross (Total: 55);

against, or in abstention of, the amendment, none (Total: 0),

the amendment was declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

74 **School Funding**

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

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

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

‘that the County Council:

(i) supports the actions of the Devon Education Forum in respect to School Funding Challenges;

(ii) further, calls on Government to deliver on the postponed commitment to introduce fair funding for schools in 2013/14 with immediate effect from 2017/18; and

(iii) urges all Devon MP’s to lobby for the introduction of fair funding for schools from 2017/18.’

The Notice of Motion was put to the vote and declared **CARRIED**, nem com.

75 **Pension 'Triple Lock'**

[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]

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

‘That the 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.’

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 Hilary Dawson, Rector of the Holyford Mission Community (Branscombe, Colyford, Colyton, Musbury and Southleigh)

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

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

The Meeting started at 2.15 pm and finished at 5.21 pm



**QUESTIONS TO THE
LEADER OF THE COUNCIL, CABINET MEMBERS
AND/OR
CHAIRMEN OF COMMITTEES**

Thursday 8 December 2016

**1. QUESTION FROM COUNCILLOR PROWSE
Re: Penalty Charge Notice Appeals and Challenges**

During a recent review of a case where a driver challenged and appealed against the issue of a PCN by this Council I could not but notice that my study revealed the following: The case involved an allegation of failing to display a valid resident's permit. The penalty was £50 (discounted to £25 if paid within 14 days.) The resident challenged and appealed on the basis a permit did exist. The document I have in my possession is un-redacted and reveals that no less than SEVEN officers of this Council were involved in the dealing and preparation of the case papers for the Traffic Penalty Tribunal (TPT). This does not include the CEO who issued the ticket nor the un-named officer whose job title is JOB MANAGER. The TPT adjudicator cancelled the ticket. Can the Cabinet Member for Highways Management and Flood Prevention explain how this COUNCIL can justify the involvement of so many officers for one case! If DCC had won we would have only received £50. One phone call from the CEO at the scene would have confirmed a permit existed,

REPLY BY COUNCILLOR HUGHES

I would refer Councillor Prowse to the published national guidance on handling a challenge to a PCN, which Devon follows. The process is designed to ensure that a formal, agreed process is followed in all cases.

This introduces a stepped process, which relies on the evidence submitted by the appellant and includes for examination and responses to submissions by Officers at each stage.

It would not be appropriate for Members to get involved in individual cases; however, Councillor Prowse will see from the above process that it is conceivable that, depending on the flow of information from the appellant and the nature of the appellant's dialogue with the service, many officers could be involved in one way or another.

So, Councillor Prowse is wrong to suggest that one phone call is in accordance with the national guidance and I can assure him that the Parking Services aims to respond to all submissions and questions raised in relation to challenges to the issue of a PCN in a diligent and appropriate way.

**2. QUESTION FROM COUNCILLOR PROWSE
Re: Exeter Strategic Cycle Routes, E4 & E3**

Can the Cabinet Member confirm that the two routes, E4 & E3 which link Redhayes Bridge with the City Centre and the University are still to be progressed. The Cabinet meeting of June this year indicates support for these aims. Will the designs be ready for March 2017? Will the intended best practice of delivering fast, direct and separated routes be achieved? Will the three County Councillors whose boundaries meet at Stoke Hill roundabout and which route E4 passes be consulted on this project?

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REPLY BY COUNCILLOR HUGHES

As per the Cabinet decision in June, the Council has continued with the development of the Exeter Cycle Network, with priority to the E3 and E4 cycle routes. With limited funding to design the routes and no funding to deliver the schemes, the E4 route between Redhayes bridge and Stoke Hill roundabout is being prioritised. The route will seek to maximise segregation of pedestrians and cyclists to create a higher quality, more direct route between the edge of Exeter and the city centre / University. There is limited design standards authorised by the DfT, therefore designers are using a number of best practice guidance documents including 'Making Space for Cycling', the 'Handbook for Cycle-Friendly Design' and TfL's 'London Cycle Design Standards'. The section between Stoke Hill roundabout and the University will need more detailed modelling, given the constraints of complex junctions and narrow road widths. The intention is to have a preferred route to consult upon in late Spring 2017. Local members will be consulted upon plans prior to any public consultation.

3. QUESTION FROM COUNCILLOR PROWSE

Re: Totnes One Way System – HIGH COURT & COURT of APPEAL proceedings.

I refer to my question to this Council on 12th May regarding the financial implications of a decision taken to defend a legitimate challenge made by residents (S.T.A,G) under the provisions of para. 35 of Schedule 9 of the Road Traffic Regulation Act 1984.

My question in MAY sought explanation of the staggering bill and loss to this Council which on the face of it needs further interrogation. Is the Leader in a position to clarify the extent of the bill which I now believe to be in the region of £200,000.

- a. Has any of the bill been paid?
- b. Please assure this Council it has exhausted any further desire to seek or pursue any other appeals.
- c. Is this Council in receipt of any compensation claims from businesses effected by this flawed Traffic Regulation Order?
- d. Did the Leader or any member of his CABINET see or was involved in the submission of "the skeleton arguments for either the HIGH COURT case on 6th MARCH 2015 or the COURT of APPEAL on 19th APRIL 2016?
- e. I have at great effort acquired the full transcripts of both court cases. It is evident to me from criticisms by both courts of this COUNCIL that either the Barrister appointed by this Council was ill informed or was unable to understand what a 'restriction' was.

Does the LEADER have copies of these transcripts?

- f. Finally who either in the LEGAL DEPT. or the HIGHWAYS DEPT. has been made accountable for the way they have dealt with a simple advertised TRO and failure to hold a public inquiry or deal with legitimate objections that were not frivolous?

REPLY BY COUNCILLOR HART

Taking the questions raised and requests for information by Councillor Prowse in order:

- a. *All legal costs have now been paid. The total cost was £141,290.*
- b. *The County Council will not be appealing the latest court decision.*
- c. *We have received notification from one member of the public that they intend to submit a claim.*
- d. *Officers briefed me on the issues, including:*

- *The positive views of the appeal hearing judge on the prospect of a successful appeal;*
- *Separate legal advice on compliance with due process;*
- *The risks of the appeal not succeeding.*

Based on the advice it was decided to proceed with the appeal.

e. *No.*

f. *This was not a simple matter as you will know from your review of the documentation.*

In particular you will be aware of the Judge's opinion when Devon sought leave to appeal the decision. The opinion was that the appeal had real prospects of success, particularly on the "restriction" point.

4. QUESTION FROM COUNCILLOR PROWSE

Re: Exeter Bus Station Re-Development / Pay and Display Machines

As part of the re-development of the bus station site in the City of Exeter there will be a need to have interim arrangements. These include suspending or revoking a number of on street pay and display machines which are in the ownership of this authority for up to two years. These matters were dealt with at the Exeter Highways & Traffic Orders committee on 14th November. There was no mention at all of the loss of revenue or a proposal to seek recompence from the applicant in the report. I know that two of the machines affected collect £40,000 a year. Can the Cabinet Member explain, was this an oversight or a gesture of goodwill?

REPLY BY COUNCILLOR HUGHES

This Council has been working closely with Exeter City Council on the re-development of the City Centre, to modernise and revitalise the city as a vibrant modern city to support the region.

Part of the plans includes the redevelopment of the Bus Station.

In the context of the large investment in this strategic site and its importance to the City, the loss of some on-street parking places seems to me to be a reasonable contribution by the County Council to the project.

In relation to the loss of income from the affected on street parking places, Councillor Prowse will be aware of the fact than on street pay and display parking is provided as part of a wider parking management strategy and not to generate income.

5. QUESTION FROM COUNCILLOR WESTLAKE

Re: Autumn Statement and Impact on Economy and Council Finances.

Will Councillor Hart give details of the effect the chancellors autumn statement will have on Devon economy and practically on the County Councils financial outlook.

REPLY BY COUNCILLOR HART

Councillor Hart will reply orally.

6. QUESTION FROM COUNCILLOR GREENSLADE

Re: North Devon Link Road and Autumn Statement

In the autumn statement the Chancellor did not appear to make any specific reference to improvements to the North Devon Link Road unlike his predecessor did in his budget statements.

Does the Cabinet Member feel confident that the previous commitments to provide funding for improving the North Devon Link Road made by Danny Alexander and George Osborne will be honoured by Philip Hammond?

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REPLY BY COUNCILLOR LEADBETTER

In November this year the DfT published its 'Roads Investment – roads funding package'. The report provides further details of what the Government is committed to delivering and the North Devon Link is included in Annex 1 as one of 18 schemes currently in receipt of funding to develop business cases. The DfT has stated that once Outline Business Cases have been received, it will make decisions on which schemes will receive Programme Entry approval i.e. funding for construction. The Government has made it clear that not all of the schemes will proceed, with funding allocated to schemes which provide value for money, a strong delivery case and meet the objectives of cutting congestion, boosting economic growth and enabling housing development. The DfT is expecting to receive business cases from the start of 2017 through to the end of 2018. There is a significant amount of work involved to make this submission and the County Council is aiming for the December 2017 deadline, which is the 2nd tranche. As long as we can make a compelling case to Government, there is no reason why funding for improvements shouldn't be forthcoming.

7. QUESTION FROM COUNCILLOR GREENSLADE Re: Direct Rail Services between Barnstaple and London

Can the Cabinet Member provide any update on taking forward the previous County Council support for establishing direct rail services between Barnstaple and London?

REPLY BY COUNCILLOR LEADBETTER

The Council's position remains that it fully supports any commercially operated additional services on the Tarka Line including the potential to operate through services onto Waterloo. As well as the benefits of additional capacity and improved quality, a through service to the Waterloo line opens up local opportunities for cross Exeter travel, linking Barnstaple and Crediton to the growth in employment to the east of Exeter including the Science Park via Pinhoe station.

The operation of Waterloo line services is a matter for the future South West rail franchisee from June 2017. The DfT is expected to announce the winning bidder in February. The DfT did not include services beyond Exeter in the franchise specification but it was open to bidders to propose such extensions as part of their bids. The DfT would have to agree to such a change including any cost implications. The single track nature of most of the line imposes complex timetabling issues that will need to be addressed if any further services are included.

8. QUESTION FROM COUNCILLOR HOOK Re: National Institute for Health & Clean Air Excellence (NICE) Report – Vehicle Emissions

The National Institute for Health and Clean Air Excellence (NICE) has recently issued a report stating that vehicle emissions are responsible for at least 25,000 premature related deaths a year in the UK. Their number 1 recommendation to alleviate this problem is the introduction of 20 mph speed restrictions in urban areas. What progress has been made in this direction this year? What other measures have been introduced this year or are under active consideration to reduce air pollution related deaths?

REPLY BY COUNCILLOR HUGHES

As Councillor Hook will be aware from recent discussion at Place Scrutiny the DfT is currently undertaking a research project on the different uses and effects of 20mph restrictions. I can confirm I have recently received an interim update on the progress of this work from the Under Secretary of State, Andrew Jones. He has confirmed the research project has been extended to the end of 2017, to allow for an additional year of accident data to be included, which they believe will make the evidence base more robust. This means the report will be published in early 2018. Subject to the content of the report, consideration would then be made as to whether our approach to 20mph requires any amendment.

Most people acknowledge that the growth in car ownership and use as seen in recent decades is unsustainable and it is impossible to build our way out of congestion and air quality problem areas.

Over large areas of the network across Devon, very little growth in traffic has been experienced in recent years. This is due to variables such as fuel price increases, congestion and changing attitudes. It is however acknowledged that many drivers are resistant to alternative modes of travel, or have no other choice. Therefore the challenge that is faced is:

- 1. To make vehicles cleaner*
- 2. To impose car tax related to vehicle emissions to encourage use of cleaner vehicles*
- 3. To build environments that makes it easier to walk or cycle*
- 4. To encourage behavioural change by developing attractive and affordable options.*

Elements of this is included in the development of local plans and positive planning policy. However, the Government have greatest influence over the vehicle emissions elements.

This Council has a range of projects in the capital programme including supporting the development of the cycling and walking network across the county, significant investment is being made in the Devon Metro network to improve travel options by rail. There remains a major revenue subsidy of the public transport network and the Sustainable Transport Fund (DfT Grant) is aimed at encouraging behavioural change.

Air quality levels are monitored by District Council authorities. Since 2008, there has been a small but positive reduction in harmful emissions being recorded at the majority of monitoring sites across the County.

9. QUESTION FROM COUNCILLOR WRIGHT

Re: Green Waste Recycled

What estimation has been made of the amount of green waste recycled in Devon following the proposed drastic reduction of community recycling credits?

REPLY BY COUNCILLOR CROAD

The proposal is to reduce the amount of discretionary credit that the Council continues to make to the community compost groups in line with what the Council will be paying its new contractor from next April. It is envisaged that there will be minimal impact on the total amount of green waste recycled in Devon as all District Councils operate (either directly or indirectly) a green waste collection scheme which can be used by householders or green waste can be taken by residents to their Household Waste Recycling Centre. In 15/16 community composting overall contributed 0.15% to the overall recycling rate of 55.1% for Devon.

10. QUESTION FROM COUNCILLOR WRIGHT

Re: Green Waste to Landfill

What estimation has been made of the possibility of increased green waste going to landfill in Devon?

REPLY BY COUNCILLOR CROAD

All District Councils have a policy to exclude green waste from their residual waste collections. Hence there should be no impact on the levels of green waste going for disposal either through energy recovery or landfill.

11. QUESTION FROM COUNCILLOR WRIGHT

Re: Additional Costs for Landfill

What estimate has been made of the probable additional cost of land filling in Devon?

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REPLY BY COUNCILLOR CROAD

It is anticipated that there will be no increase in the cost of landfilling in Devon as a result of this proposal.

12. QUESTION FROM COUNCILLOR WRIGHT Re: Impacts on Community Composting

What estimation has been made of the effect on Devon community composting groups?

REPLY BY COUNCILLOR CROAD

The purpose of the consultation is to help determine the potential impact on the community composting groups. In addition an Impact Assessment has been carried out and can be found at <https://new.devon.gov.uk/haveyoursay/consultations/community-composting-credits/>

13. QUESTION FROM COUNCILLOR WRIGHT Re: Future Operation of Community Composting Groups

Does the Environment Cabinet Member anticipate some Devon community composting groups ceasing to operate as a result of the proposed reductions?

REPLY BY COUNCILLOR CROAD

The proposal is currently out to consultation which closes on 23rd December 2016 & hence the potential outcome, should the proposal be adopted, will not be known until the consultation responses have been analysed early in the New Year.

Report of the Cabinet Member: Children, Schools and Skills

I have been asked to report, by Councillors Hannaford and Hannan, as follows;

..... on action being taken to support West Exe School in the continuing absence of the Head Teacher, to ensure it continues to operate effectively; and

..... On the Council's position with regard to the Children and Social Work Bill, in particular its intention to grant local authorities the power to exempt themselves from children's social care legislation, and its reaction to the views of social workers as represented by UNISON in its recent survey.

West Exe School

The school was judged to be a good school by Ofsted in January 2014. Inspectors said the proportion of students gaining five or more GCSEs at grades A* to C, including English and mathematics, exceeded the national average. Students felt safe and their behaviour was good.

Governors appointed a new Headteacher in April 2015 and standards overtime became low compared to pupils at similar schools nationally. In May 2015 exclusions from the school became a significant concern with West Exe School permanently excluding a higher number of students compared to secondary schools in Devon. In September 2015, the school started receiving additional intensive support and closer monitoring to accelerate their improvements. In February 2016 Uffculme School were asked to take on a support role and a number of teachers were supported by the Local Authority to improve their teaching. The new head continued to receive support from a mentor.

A new chair of governors was appointed in October 2015 and a National Leader of Governance (NLG) was attached to the school in November 2015, by the Local Authority, to further support and strengthen the governing body. In spring 2016 the school was ranked 46/55 by the Department for Education and a formal letter of concern was issued to the school by Devon County Council. There have been termly evaluation visits by the school improvement team and half termly meetings to monitor progress and identify further support and action. A number of staff left but strong replacements were recruited.

Evaluation visits continued to show concern for the slow pace of improvement and in July 2016 Devon County Council issued a Formal Warning Notice. The governors asked the Headteacher of Uffculme School, who is a National Leader of Education, to act as Executive Headteacher. In October 2016 the Headteacher resigned and his deputy became acting head with the Headteacher of Uffculme School retaining the Executive Headteacher role.

The governing body, over the course of the last few months, had applied to the Department for Education and the Regional Schools Commissioner to join the Ted Wragg Trust as a sponsored academy. The governors have recently heard from the Regional Schools Commissioner that they are happy with the school embarking on the process of

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becoming part of the Ted Wragg Trust. This is subject to final approval by the Regional Schools Commissioner but in principal approval has been given. The Ted Wragg Trust mission is to deliver the best educational experiences to all Exeter children. One of their schools, Isca Academy, has just been judged good in all areas by Ofsted and the report acknowledged the excellent leadership provided by the trust. A second Trust school, St James, is now one of the most successful schools in Devon.

The Ted Wragg Trust is keen to support West Exe as quickly as possible and the governors of the Ted Wragg Trust and St James School have committed to release their current Headteacher. It was agreed with the West Exe School governors that he will be the interim Headteacher at West Exe School from January 2017 whilst the process of joining the Ted Wragg Trust continues. West Exe School will continue to receive additional support through the Local Authority school improvement team. Staff involved will include a recently retired Headteacher from an outstanding Devon secondary school, maths, English and science advisers and other support where appropriate.

The Local Authority and governors in consultation with our School Improvement service agree that the process outlined above will provide the school with the support and direction it needs in order to secure the necessary improvement and ensure pupils at the school have access to high quality, inclusive education.

Children and Social Work Bill.

I am pleased to have the opportunity to update Council on the Children and Social Work Bill.

The Bill sparked a lively debate across the profession and across politics, which is a good thing. This is a serious matter and merits attention.

You will see in my letter to the Minister that I have taken quite an independent position, somewhat at odds with the government's plans. Devon expects me to speak on behalf of vulnerable children in Devon, without fear or favour, and this is what I have done.

I am aware that my position has the support of some, for example the ex chair of the Devon Improvement Board, Professor Ray Jones and not of others, for example the Chief Social Worker, Isabelle Trowler. I welcome the expression of all views and the serious debate that is underway. If Unison happens to agree with me, all to the good; and if they don't, so be it.

I have listened to the frontline in Devon and to the senior officers whose job it is to advise me.

I was pleased with the Minister's reply. He has taken seriously our views and, while he doesn't necessarily agree with everything we have put forward, he has outlined a thoughtful and considered position. I am someone who welcomes change and supports innovation and therefore I welcome the government's appetite to use innovation to further drive improvement in the lives of vulnerable children. However I am also mindful and cautious of risks of un-intended consequences and of the some of the limitations of structural reforms.

What I can say is that whatever the final outcome of the political and professional debate, here in Devon, we will continue to deliver with energy, commitment and purpose, ensuring that our focus on children is unwavering.

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If you would like to see the full correspondence, you can do so via the following links, or you can ask Jo Olsson's office (hannah.washington-jo@devon.gov.uk) to send you a copy

Link to the letter from Councillor McInnes to the DfE –

https://devoncc-my.sharepoint.com/personal/hannah_washington-jo_devon_gov_uk/_layouts/15/guestaccess.aspx?guestaccesstoken=9enJPHccLJ%2bGIO5L%2baX2EhfFU1M%2bXxQ9palsZJiEA1s%3d&docid=08cbc22d95276466397f3b65aeb0bf05&rev=1

Link to the letter from the DfE to Councillor McInnes –

https://devoncc-my.sharepoint.com/personal/hannah_washington-jo_devon_gov_uk/_layouts/15/guestaccess.aspx?guestaccesstoken=jlOhgl1s8N75ZNgCwomvNws4rsaOn36Qe56ZTz7FY7E%3d&folderid=2_0d7cd9ed74ab743929e3b323284d04c21&rev=1

**Councillor James McInnes
Cabinet Member for
Children, Schools and Skills**

**Report of the Cabinet Member
Performance and Engagement**

I have been asked to report, by Councillor Hannan, as follows;

..... on Council Policy regarding the hiring of consultants and the recent discussion at Audit regarding adherence to the Policy.

Consultants/Interims – Audit report

This is the 3rd year of auditing this area of activity. Once again the audit highlights 'improvements required' as the sample of cases concluded that managers are not complying with the Council's policy for the hire of Consultants/Interims.

The sample of cases (10) used for the audit for this year revealed that 5 failed to comply with the policy and in 4 cases the paperwork was missing some information or the relevant authorisation. 1 case was fully compliant.

The use of consultants/interims is continuing to decline in 2016/2017. Currently there are 9. Importantly the non-compliance with the policy has not breached any taxation or HMRC requirements. The Council remains compliant in this respect.

We intend to begin a programme of communication and engagement with Senior Managers and other identified managers to improve their awareness of the requirements. The individual cases identified in the sample will be subject to discussion with the relevant managers. In future any applications received with incomplete information or missing approval signatures will not be processed.

The Council remains committed to reducing the numbers of Consultants/Interims/agency workers that are engaged whilst recognising that in some skill shortage areas this may not be possible in the short term. The engagement of such workers remains an area of performance that the Council knows it needs to improve and it will continue to audit on an annual basis to ensure compliance with the Council's policy and best value.

**Councillor Barry Parsons
Performance and Engagement**

Report of the Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter

I have been asked to report by Councillor Westlake on *flood prevention on Devon railway network; also the announcement of £10 Million towards Dawlish sea wall defence.*

The Peninsula Rail Task Force (PRTF) launched its 'Closing the Gap' 20 year plan to Government on 22nd November, which seeks greater resilience, faster journey times and more capacity and connectivity.

The report was finalised following consultation feedback from members of the public, MPs and key stakeholders, as well as from suggestions put forward by members at Place Scrutiny in June this year. Appended to this response is an executive summary of the plan and the key priorities for the peninsula. For a full copy of 'Closing the Gap' – The South West Peninsula strategic rail blueprint click - [here](#). Members have recently received email notification of the report and I have made hard copies available in the Members' Room.

Addressing the questions raised by Councillor Westlake, having a resilient and reliable railway remains our number one priority. The recent severe weather events where the South West was again cut off from the rest of the country was a further reminder to Government of its economic importance for Devon and the peninsula.

We are aware that Network Rail has sufficient funding to undertake works at Cowley Bridge to increase the water capacity of one culvert and build an additional culvert. This work is planned to be completed in two phases: phase one in 2017 and phase two in June 2018. The scheme will provide 1 in 20 years level of protection, significantly lower than the standard 1 in 100 years as the current River Exe Flood Scheme. In addition, there is a need for NR to work with the EA develop a scheme for protection of the railway when extreme flooding occurs. This potentially requires an automated barrier system across the railway.

With regard to the Dawlish/Teignmouth section the immediate ask of Government is for £284m to secure the critical seawall and cliffs sections of the main line between Dawlish Warren and Teignmouth. We received positive news earlier this month when Government announced £10m to add to the £5m already committed to allow work to continue in developing further these plans for future delivery. This gives us the greatest opportunity to secure improvements during Control Period 6 (2019-2024). Network Rail is currently consulting on these proposals (<http://www.networkrail.co.uk/Devon-and-Cornwall/>).

**Councillor Andrew Leadbetter
Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter**

Appendix: Executive Summary of PRTF 'Closing the Gap': The South West Peninsula strategic rail blueprint (November 2016)

For the South West, investment into the rail network will unlock a host of benefits, generating an additional £7.2bn of GVA and £1.8bn of transport benefits in the coming years, transforming the economy and our communities. With passenger growth at 128%, we consistently outstrip industry forecasts and our potential is growing. 75% of SW businesses stated that rail is vital to their business and that reducing the journey time to London by 45 minutes would have a significant positive impact on their productivity.

Since the severe weather incidents of 2014 when the line was severed at Dawlish, and floods engulfed the Somerset Levels, the South West has been working hard to develop a strategic plan for our rail network. Starting with the formation of the Peninsula Rail Task Force – a partnership of local authorities, LEPs and stakeholders, it has gone on to work with South West MPs to respond to a commission by Government for a plan. This is the result: 'Closing the gap', our blueprint for rail.

Our plan is not a quick fix, a long term view is required. The South West has lost out because of poor transport investment for over 20 years, averaging £35/head compared to a national average of £98/head – leaving our region some £2bn behind other areas. Our regional rolling stock is the oldest, dating back to the late 1970s. The Met Office says climate change incidents will become more frequent, and with Network Rail warning that the line at Dawlish will suffer closure every four years by 2065, the South West remains more vulnerable than many parts of the UK. Our economy depends on good connectivity, but unlike other areas, we do not have a good network to start with.

Our initial priorities of greater resilience, faster journey times and more capacity and connectivity remain. Our last report, 'On Track', set out the importance of maintaining the iconic mainline through Dawlish, creating real journey time savings and greater capacity, as well as increasing the opportunities for communities to interconnect with other areas. Links to Bristol, Birmingham and London, as well as other travel hubs such as Heathrow, Gatwick and Southampton are vital, as are our interregional provision. The report clearly calls for reliable and high quality services, accessible to all, enabling passengers to work and travel in comfort.

Since the initial report, we have undertaken extensive studies with partners Network Rail, the Department for Transport, Great Western Railway and the University of Plymouth to look at ways to achieve our aims.

Our immediate priorities to 2019 are:

- Invest £284m in resilience, including commencing the securing of the main rail line through Dawlish and Teignmouth
- Completion of committed flood relief schemes
- Introduce trains capable of operating along the seawall in all weathers
- Invest £2.5m in GRIP 3 options for the diversionary route East of Exeter

- Invest £22m in GRIP 3 options for reducing journey times
- Increase frequency to 2 direct trains an hour from Plymouth to London in the new franchise, reducing journey times by up to 10 minutes, whilst at least maintaining existing services
- Work with the rail industry to maximise the benefits of the new trains from Dec 2018 and invest £25m to make our journeys more productive through on board travelling office, media and mobile/Wi-Fi connectivity.

Over the medium term to 2029, we are focused on continuing investment:

- Invest £301m to complete Dawlish seawall and cliffs resilience, the diversionary route between Exeter and Castle Cary and estuary flood protection
- Invest £1.5bn to reduce journey times by up to 14 minutes to Penzance, through infrastructure improvements, partial electrification and franchise renewals
- Invest £150m reducing journey times and increasing core capacity on the Exeter –Waterloo line
- Invest £358m to improve capacity and comfort through new rolling stock, infrastructure enhancements and phased opening of the Northern Route
- Increase frequency to 2 trains an hour west of Exeter to Bristol and the Midlands

We want to realise our true economic potential and contribute to UK PLC. With exceptional opportunities such as Hinkley, world-class aerospace, nuclear and marine industries, outstanding natural assets such as the North Cornwall and Jurassic Coasts, UNESCO Global Geopark and national parks, we have significant prospects to exploit. As investments into other areas are realised, such as Crossrail and HS2, the gap between the South West and the rest of the UK will become more pronounced. But we strongly believe that new infrastructure can, and will, redress this imbalance.

The UK's record of investment into infrastructure is mixed; in the South West we strongly believe a new approach is needed. Other countries are using different ways to invest and deliver their infrastructure, successfully: on time and on budget. We want to work with Government, Network Rail, train operating companies and private sector partners to explore new avenues and bring benefits to the South West as soon as possible.

Our message to Government is plain: there must be real enhancements to our rail network, improving existing provision. Reduced services, loss of connections and slower trains are unacceptable. Whilst our rail network cannot be transformed overnight, we must tackle the decades of underinvestment, we must start now and we must hold true to that course in the years to come.

Report on council plans to mitigate adverse impacts of STP on communities and any redirection of resources to deliver likely changes STP

The latest Draft Sustainable Transformation Plan was published on 4th November and is being developed as a framework document for the processes that will be needed to deliver integrated Health and Social care services by 2020/21. Local authorities across the country are supporting STPs because the public want to have better joined up services which enable them to live well and enjoy a healthier life for longer and to have more services available to them at home to minimise hospital visits. In a growing number of areas it is the local authority who is leading the development of their local STP. Here in Devon we have a dedicated leader to develop the plan which covers both CCGs as well as Devon, Plymouth and Torbay authority areas.

Plymouth City Council has unanimously endorsed the current draft and Torbay endorsed it on Tuesday. Devon has not yet determined its position. Because the STP has, at its heart, the development of more home based services it is relevant and appropriate if Devon were represented alongside the other authorities as one of a number of stakeholders on any workgroups and boards that are established because of the potential for the extra burdens that more home based services would place on the authority. It is only by being there that we will know first-hand what is being discussed and planned, and have the opportunity to influence direction and public participation to hear the views of local people.

The important role that scrutiny has to play in ensuring that the public voice is heard and represented is also essential. Because of the early recognition of the scrutiny role I hosted a meeting of scrutiny chairs and lead officers on 11th August. All the main political parties were included in the invite, because of the potential financial issues the Devon Corporate resources scrutiny chair and vice chair were included. At that meeting they had a briefing by the NHS leaders of the STP process and the contents of the plan. Following which, the scrutiny members met and agreed to form a joint scrutiny group made up of representatives from all the authorities and political parties. They have already had their first meeting and reported back to their scrutiny committees and will continue to meet as the plan develops. A spotlight review has been published by the joint scrutiny group.

There are potential adverse impacts for DCC which will need to be mitigated as part of our engagement with the NHS.

The first one is the effect of CHC (continuing health care) which can be found at triple aim 16 in the plan. There is nationally set criteria used by nurses to decide whether someone can have their health and care costs met in full by the NHS rather than by social care and the person themselves. CHC is for people with the most complex health needs and can be given whether someone lives in their own home or in a care home. There is an expectation CHC costs will reduce by improving the price paid for care and by reducing the number of people receiving CHC. The potential impact for DCC is that more people will have their care provided by DCC which will shift the cost rather make savings. The Council and the NHS use the same providers (mostly care homes) so working together is essential here.

To mitigate this we will need to ensure there is a rights based approach to assessment and not a budget led approach. A better solution would be to create joint teams, a pooled budget to support the needs of the most vulnerable and complex needs to ensure there is no incentive to move costs around the system between the NHS and DCC. There are examples where this has been done well

including Plymouth who report both improved practice and budget control for everyone. A single approach between the NHS and local government care homes is a key part of this.

The second main issue is the new model of care which can be found at priority 29. People tell us they want to be supported in their own home with the right care when they need it and prefer to only be in hospital or care homes when it is essential. Delivering what citizens say they want is a potential impact for DCC because it creates more people needing care at home. This potentially may lead to more people receiving care and support from the local authority in their own home.

As the NHS will have fewer people in hospital beds and fewer people unnecessarily using A&E services the mitigation has to be the transfer of money and other resources from NHS to social care in recognition of the additional pressures, and the focus across everything we do, on supporting people to be as well and healthy as they can be. To make the transfer of money possible the NHS has to be able to make savings. More people can be accommodated at home but it will need better approaches to community and voluntary support, pooling resources and joint commissioning of services such as personal care and voluntary and community support. The services will need to respond to different demands which will need more short term multi-disciplinary services to support people to get back to their level of independence after a health down turn in their lives.

By changing the way that care is delivered the STP can create opportunities for positive changes. These can be summarised:-

- Prevention which can be found at priority 24 and is key to promoting independence
- An Integrated care model can be found at priority 26
- Priority 33 is about delivering parity of access and priority for physical health by Transforming mental health, learning disability - including for young people Children and young people and families - including children in care. Priority 42

Another important opportunity is to have a Joined up approach to Workforce development, recruitment and retention across statutory health and care and voluntary and independent sectors. For the majority, if not all, providers this is a key issue for them. There are people to fill vacancies but they are not staying and there are high turnovers. This was especially highlighted at a Provider engagement event we held last week which was dedicated to workforce development and retention.

The local authority has a role to promote independence for its citizens and communities. Public Health have a role to play here. There are some good examples of community connectors and social prescribing (e.g. Integrated Care Exeter) in Devon and the new model of care. The STP (Priority 24) identifies prevention as key to the new model of care.

The cross party, cross council spotlight review shares some of the concerns in the SWOT analysis but supported the opportunities for better outcomes for people and asks Members to support the conclusions (section 4) which offers support for the new model of care whilst recognising the importance of appropriate resources being available to implement it at a local level.