



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

8 February 2017

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 16th February, 2017 at 2.15 pm.

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

Chief Executive

[Prayers will be offered by the Reverend Pastor Darrell Holmes, of The Baptist Church, Kilminster, 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 - 12)

To approve as a correct record and sign the minutes of the meeting held on 8 December 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 Treasury Management Strategy 2017/2018

To receive and approve the Treasury Management Strategy, endorsed by the Corporate Services Scrutiny Committee on 24 January 2017 and due to be considered by Cabinet on 10 February 2017.

9 Revenue Budget, Medium Term Financial Strategy 2017/2018 - 2020/2021 & the Capital Programme for 2017/2018 - 2020/2021 (Pages 13 - 20)

(a) In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The updated overview of the impact assessments for all service areas entitled '2017/18 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://new.devon.gov.uk/impact/published/budget-setting-201718/>

(b) To receive and approve the Report of the County Treasurer (CT/17/10) together with the Minutes of the Cabinet held on 10th February 2017 relating to the budget and the Minutes of the Joint Scrutiny Budget meeting held on 30th January 2017, attached. The report and Cabinet Minutes will follow.

10 Pay Policy Statement

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments and Remuneration Committee (16 January 2017) (Minute 14).

11 Minerals Plan

To receive and approve the Minerals Plan and associated Policies Map, as recommended by the Development Management Committee on 23 November 2016 (Minute 28) and Cabinet on 14 December 2016 (see minute 119).

12 Heart of the South West Devolution: Establishment of Joint Committee and Productivity Plan (Pages 21 - 30)

To receive and approve the Report of the Chief Executive (CX/17/25) together with the Minutes of the Cabinet held on 10th February 2017 relating to the Heart of the South West – Devolution, Future arrangements (Joint Committee) and proposals for the HotSW Productivity Plan.

OTHER MATTERS

13 Cabinet Member Reports

To consider reports from Cabinet Members.

14 Minutes

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

- a** Appeals Committee - 12 December 2016 and 9 January 2017 (Pages 31 - 34)
- b** Appointments and Remuneration Committee - 16 January 2017 and 2 February 2017 (Pages 35 - 38)
- c** Development Management Committee - 25 January 2017 (Pages 39 - 44)
- d** Procedures Committee - 2 February 2017 (Pages 45 - 46)
- e** People's Scrutiny Committee - 5 January 2017 and 23 January 2017 (Pages 47 - 52)
- f** Place Scrutiny Committee - 10 January 2017 and 20 January 2017 (Pages 53 - 60)
- g** Health and Wellbeing Scrutiny Committee - 19 January 2017 (2 meetings) (Pages 61 - 72)
- h** Corporate Services Scrutiny Committee - 24 January 2017 (Pages 73 - 78)

NOTICES OF MOTION

15 European Union Habitats Regulations

Councillor Wright to move:

Devon is home to many scarce and threatened habitats such our ancient woodlands, rivers and wetlands, upland blanket bogs, lowland heaths, Culm grasslands and our stunning coast and marine environments. These support a myriad of species with internationally important populations of marsh fritillary butterflies, greater horseshoe bats, otters, overwintering waders and marine creatures including whales, dolphins and basking shark.

European Union Habitats Regulations protection of land and seascapes such as the pebblebed heaths in East Devon, large swathes of Dartmoor and Exmoor, the Exe and Tamar Estuaries and Lundy Island have meant that wildlife has flourished over the years and has ensured that these places remain crucial international strongholds.

The latest State of Nature report published last October found that the UK has experienced huge losses of habitat and wildlife, and 15 per cent of those studied are threatened with extinction.

Leaving the European Union puts at risk all of these protections - and the Government has not yet promised to retain the same level of protections that currently exist under EU legislation.

*This council recognises the huge importance of these rich landscapes for people and wildlife in Devon – and calls upon the Secretary of State for the Environment to support the Environmental Audit Committee, as well as the coalition of wildlife and nature organisations, asking for retention of **at least** the same level of protection for our wildlife and environment, as takes place currently under EU law.*

16 South West Local Enterprise Partnership - Chief Executive Pay

Councillor Connett to move:

'At a time of huge reductions in Government funding for local councils forcing cuts in health, education, care for older people and children, Devon County Council is offended by the reported 26% pay rise for the chief executive of the Heart of the South West Local Enterprise Partnership.

We call upon the Council to take urgent steps to stop the annual pay rise of £24,271 and if it cannot do that, to withdraw from membership of the Partnership until common sense prevails with regard to top management pay increases'.

17 **Anti Litter Campaigns - Deposit Scheme for Plastic Bottles**

Councillor Hook to move:

"That the County Council supports, in principle, the Sky News anti litter campaigns and in particular the proposal which is to be considered in Parliament after Easter to introduce a deposit scheme on plastic bottles: such schemes are currently in operation in 11 European countries and more than 30 countries worldwide where their introduction has seen a massive leap in plastic bottle recycling - in many cases upwards of 95%.

The County Council will contact all Devon MPs urging them to support a plastic bottle deposit scheme to reduce waste, increase recycling and also make a major contribution to reducing dangerous marine pollution, the latter being a significant and increasing problem with plastic bottles and containers".

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

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.

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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**.

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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.

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"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);*

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- *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:

Agenda Item 2

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COUNCIL
8/12/16

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, Dewhirst, 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 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 5.21 pm

JOINT SCRUTINY BUDGET MEETING

30 January 2017

Present:-

Councillors J Brazil (Chairman), K Ball, A Boyd, J Brook, C Chugg, C Clarence, P Colthorpe, A Connett, A Eastman, R Edgell, M Edmunds, O Foggin, R Gilbert, B Greenslade, A Hannan, J Hawkins, R Hill, G Hook, R Hosking, B Hughes, R Julian, J Knight, J Mathews, E Morse, J Owen, R Radford, S Randall-Johnson, R Rowe, P Sanders, D Sellis, M Squires, R Vint, N Way, R Westlake, E Wragg and C Wright

Apologies:-

Councillors G Dezart, J Berry, F Biederman, P Bowden, C Channon, T Dempster, A Dewhurst, E Barisic and J Hone

Members attending in accordance with Standing Order 25

Councillors S Barker, J Clatworthy, R Croad, A Davies, J Hart, S Hughes, A Leadbetter, J McInnes, and B Parsons

* 1 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 2 **2017/18 Budget**

(Councillors Barker, Clatworthy, Croad, Davis, Hart, S Hughes, Leadbetter, McInnes and Parsons (Cabinet Members) attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the meeting).

Public Participation

No member of the public had given notice of intention to speak to or make representations at this meeting on any matter relating to the proposed budget, as provided for in the Council's Public Participation Scheme.

Budget Consideration

Members noted that, in line with previous practice, the proposed budget for 2017/18 was to be subject to a collective scrutiny exercise at this joint meeting, providing an opportunity for Members to comment on the Council's proposed budget in its entirety, following earlier consideration of service budgets by the relevant Scrutiny Committee.

The meeting examined and discussed the proposed budget(s) and had regard to the views, observations and comments of individual Scrutiny Committees, as set out below, for approval and/or incorporation into any final recommendations to Cabinet or Council on the overall implications of the budget proposals, if desired.

The meeting had been provided with the Officer's Reports and accompanying detailed budget proposals considered previously by Scrutiny Committees ([CT/17/2](#), [CT/17/3](#), [CT/17/4](#) and [CT/17/5](#)) which complemented the earlier Reports of the County Treasurer ([CT/16/81](#) and [CT/17/1](#)) relating to the provisional settlement and spending targets for 2017/18 endorsed by the Cabinet on 14 December and 11 January 2017, respectively.

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JOINT SCRUTINY BUDGET MEETING
30/01/17

The Reports referred to above, taken together, outlined (a) the provisional financial settlement made by Government within the current year, (b) the spending targets set by the Cabinet for Adult Care & Health; Children's Services; Communities, Public Health, Environment & Prosperity; Highways, Infrastructure Development & Waste and Corporate Services and (c) proposed service budgets, reflecting the aforementioned and the pressures and influences faced by those services.

As indicated, the aforementioned Reports had been prepared in line with the provisional settlement announced by the Secretary of State for Communities and Local Government, on 15 December 2016, of £128,300,000 (a reduction of £23,300,000 or 15.4% from 2016/17) together with details of a number of changes to the previously announced core spending power figures for the period 2016/17 to 2019/20.

The announcement of the final settlement and Council Tax Regulations was expected during the month of February 2017 and budget preparation had therefore necessarily been based on the provisional settlement: acknowledging that additional capital funding of £3,200,000 had been made available for 2017/18 for the Pothole Action Fund.

Members noted that while the Social Care Precept on Council Tax in 2016/17 had originally been set at 2% per annum for the period 2016/17 to 2019/20 inclusive, the terms of that additional precept had been altered to allow it to be increased by up to 3% per annum in 2017/18 and 2018/19 or 2% per annum over the remaining 3 years of the 'quadrennial' core spending period (i.e. a total increase of 6%). Changes to the New Homes Bonus allocations would see the County Council's allocation reduced by £709,000; acknowledging that such reductions nationally had been utilised by Government to create a new Adult Social Care Support Grant for 2017/18 only, the County Council's share of which was £3,592,000. Whilst changes in the Business Rates Retention system would result in an additional £74,000 in 2017/18 this would be offset by a reduction in the local element of Business Rates. The 2017/18 Public Health grant had been confirmed at £28,238,000 in line with expectations while confirmation of the Dedicated Schools Grant and some other smaller grants had yet to be received.

The targets for each service area, as set by Cabinet, were subject to different pressures and influences. Adult Care & Health services budgets were £216,493,000 providing for inflation and commitments of £26,936,000 and required budget savings of £8,190,000. Children's services budgets totalled £118,131,000 with inflation and commitments at £7,843,000 and required savings of £5,539,000. Communities, Public Health, Environment & Prosperity had a target of £35,203,000 incorporating inflation and commitments of £2,468,000 and savings of £576,000 needed. Highways, Infrastructure Development & Waste's target was £56,406,000 with inflation and commitments of £3,496,000 and required savings of £5,527,000. Corporate Services' target budget was £33,352 including inflation and commitments of £2,283,000 required savings of £2,397,000.

Members noted that the budgets now proposed were currently predicated upon the assumption that the Council would be asked to agree to raise Council Tax by up to the maximum permissible (i.e up to 4.99%) in 2017/18, including the additional permitted 3% precept for Adult Social Care.

The Leader of the Council commented on this being the eighth year in a row where the Council had been required to set a budget with reduced funding levels and that, in the current public sector funding regime, it was becoming more and more difficult to achieve the reductions required. Members also noted that some £267,000,000 had been taken out of the Council's budget over that period of time.

The Leader and Cabinet Members also outlined the strong representations they had regularly and consistently made – and continued to make - to Government, Ministers and to Devon's Members of Parliament about the difficult choices being faced in Devon and for fairer funding for schools and for health and social care.

The Leader, Cabinet Members and Officers also spoke of the difficulties in delivering budgets with below average levels of funding – especially in relation to demand led services - while endeavouring to strike a balance between financial realities and ensuring the delivery of essential services, protecting the most vulnerable or at risk and ensuring resilience of services. The margin of flexibility or change was increasingly tight and the Council would face even greater challenges in 2018/19 hence the direction of travel in the proposed budget for 2017/18 which was concentrated upon those most in need, driving out waste, adding value, adopting a ‘whole council’ approach and working more closely with partners and other providers.

In considering the issues and/or observations identified by individual Scrutiny Committees set out hereunder and the further examination at this meeting, Members acknowledged the difficulties facing the Council in determining its budget with increasing pressures on both statutory and non-statutory services welcoming also the contribution of partner organisations and volunteers in the delivery of such services, while remaining cognisant of the impact of the Council’s actions and expenditure on the residents of Devon and users of services. The issues and/or observations made by individual Scrutiny Committees were:

Health & Wellbeing Scrutiny Committee

- that the proposed budget did not differ markedly from the previous years, there being no significant reductions or variations;
- the historical low level of funding for public health in Devon (the 6th lowest funded) and the adverse impact of any reduction thereto on the ability of the Council to deliver its statutory responsibilities;
- the importance of the need for early intervention and improved public education to prevent health problems developing in the future.

Place Scrutiny Committee

- the need for Cabinet to take account of impact assessments and ensure appropriate mitigations were put in place where appropriate;
- possible adverse impact on future budgets for services of reductions in specific or dedicated grants;
- acknowledging the benefit for the Council’s budget of maximising recycling (through the waste hierarchy); joint arrangements with District Councils and action taken to minimise waste; the creation of energy from waste and improving public education.

People’s Scrutiny Committee

In relation to Adult Social Care:

- noting the vagaries of a demand led service, acknowledging that there had been a 15% increase in Adult Social Care budgets over the last two years which, in parallel with the general aim of promoting independence for people to live more independent and fulfilling lives, would achieve best outcomes and achieve value for money;
- acknowledged the certainty created in future expenditure with the recently agreed contract for Living Well at Home and the need to similarly review contractual arrangements for residential care in light also of revised standards of external assessment and the Council’s duty to ensure, inter alia, market sufficiency under Part 1 of the Care Act;

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30/01/17

- welcomed and endorsed the fact that the budget, as now proposed, was predicated on a 3% increase in the Social Care precept for 2017/18 and had been formulated so as to achieve required savings identified in the target budget and deliver services differently as outlined above; although it was accepted it was not possible to give a 100% guarantee that the budgets would be sufficient given the largely demand led nature of the services.

In relation to Children's Services:

- that whilst regarding an overall 2% increase in Children Services budgets this was nonetheless against the background of significant savings required under the target budget;
- the impact on the Council's budget of any 'perceived' shortfall in government grant to fund directed activities such as Unaccompanied Asylum Seeker Children;
- recognising the importance of adequate provision and integrated working to ensure support for vulnerable persons to maintain access to services (through children's centres) acknowledging also the inherent value of informal contacts and networks and co-location of services and the vital need for appropriate checks and balances to reduce risk;

Generally, supporting the Council's case for increased funding for education and social care services in rural areas like Devon.

Corporate Services Scrutiny Committee

in relation to Corporate Services:

- acknowledging, firstly, the inherent risks associated with Corporate Services target budgets which were necessarily predicated, at a time of increasing demands, on the needs of front line services and the levels of corporate support required and, secondly, re-affirmation of the assurances given previously over the capacity of the support envisaged through and adequacy of the proposed budgets;
- recognition that a number of reductions were also predicated upon changes to the costs of democracy arising from the introduction of new electoral arrangements for the County Council at the next quadrennial elections and any resulting reviews of democratic structures and support;

generally:

- while acknowledging the success of the County Council in attracting and/or drawing down Government grants to improve the highway network, the continuing pressures on maintenance of the highway network (utilising both revenue and capital budgets) remained a cause for concern, particularly in the more rural parts of the County;
- that, as previously indicated at both the Cabinet and People's Scrutiny Committee, the significant cost pressures relating to the High Needs Service were largely due to increased demand where the cost of educating pupils with complex educational and physical needs could be significant and volatile and that whilst additional funding had been made available within the proposed budget, management action was still needed locally to address the problems with the national issues around the Dedicated Schools Grant: this to include increasing capacity in maintained special schools and disinvesting from the more expensive independent sector;

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30/01/17

- that the Cabinet and Council should continue to press Government for a fairer funding allocation for schools in Devon to bring expenditure per pupil closer to the national average.

In addition to the aforementioned, further specific matters or issues identified or raised at this Joint Meeting included:

- the need to attract and retain essential key staff and maintain and deliver effective integrated working and services for vulnerable persons and those in most need;
- confirmation that since the County Treasurer's Reports had been published funding for the Devon Rape Crisis and North Devon against Domestic Abuse would again be available from the Safer Devon Partnership in 2017/18 and that the draft budgets now being considered would be updated accordingly.
- the work being done jointly with other Devon Councils to improve recycling rates generally, including community composting, and that given the importance of this area of activity the Council should re-assess future funding to offset any proposed reductions in this discretionary element of funding through any future procurement exercise;
- a desire that any additional funding received through the final settlement or savings accruing in-year be directed/re-directed to the rural road network and highway maintenance;
- the need to identify new additional sources of income to offset the impact of budgetary reductions.

The Leader also welcomed the observations of Scrutiny Committees and those expressed at this meeting – all summarised above - which would be taken into account in formulating a budget for consideration by Cabinet and the County Council.

The Reports now before the Committee referred also to the Impact Assessment for the 2017/18 Budget, across all service areas, which had been circulated for the attention of Members at this meeting and previous Scrutiny Committee meetings examining the budget, in order that Scrutiny Committees not only had access to all necessary equality impact assessments undertaken as part of the budget's preparation but could have regard to and be satisfied that those assessments, risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget, to meet the Public Sector Equality Duty imposed upon the Council under s149 of the Equality Act 2010. That Assessment contained links to other service specific assessments undertaken as part of the budget preparation processed, and referred to therein. Moreover, and acknowledging that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals might necessarily have to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Following further discussion and deliberation:

It was then **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Radford, and

RESOLVED

(a) that Scrutiny Committees' note the Government's provisional financial settlement and the spending targets determined by the Cabinet, expressing concern nonetheless at the continuing scale of reductions being imposed on local authorities and the consequences of those reductions upon the ability of Councils to meet the needs of all of its citizens;

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30/01/17

(b) that the Cabinet/Council should continue to press Government for a fairer allocations for Devon – particularly for health, social care and education - recognising and reinforcing the impact of providing services in a rural area;

(c) that Scrutiny supports the County Council taking advantage of the opportunity to raise Council Tax both by an additional 3% in 2017/18 to help cope with the costs of adult social care and the maximum of any other increase permitted (i.e 1.99%), to safeguard the Council's budgets to the fullest extent possible;

(d) that Cabinet urge Devon MPs to speak and vote against the Finance Bill should the provisional financial settlement for Devon be not significantly improved against the lack of progress demonstrated by Government in rebalancing funding as between urban and rural authorities;

(e) that the specific observations of individual Scrutiny Committees and identified at this meeting, as set out above, be also commended to Cabinet in finalising its recommendations to Council;

(f) that the Cabinet satisfy itself that the budgets prepared on the basis of its approved targets are indeed sufficient to meet the demands placed on those services and that the apportionment of resources between the various services is appropriate and proportionate;

(g) that, acknowledging the options and/or alternatives discussed and identified in the proposed budgets and in the accompanying Reports and Impact Assessments referred to above and recognising also that this is a dynamic process, Scrutiny Committees again re-iterate the need for Cabinet to satisfy itself that all Assessments continue to be updated and are complied with and that the evidence gathered during this budget preparation exercise and any subsequent engagement processes supports the proposed way forward.

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

The Meeting started at 10.05 am and finished at 12.01 pm

Budget 2017/18 – Member’s Questions & Factual Responses

As part of the Budget process for 2017/18, Members have been able to use a dedicated electronic mailbox facility to ask any questions of fact or about the interpretation of the papers, in advance of the Joint Scrutiny meeting. The questions posed and the answers given are detailed below are circulated now and at the Joint Scrutiny Budget meeting on Monday 30th January 2017.

Date Question Received	Question	Answer
13 January 2017	<p>A current frustration for Newton Abbot, but one which must be common place across Devon, is the failure to have suitable basic infrastructure in place prior to the construction of housing developments. As an example, in Newton Abbot we currently have considerable house building progressing, but without a footpath along a significant length of main road, requiring pedestrians including primary school children, to walk to and from school along a busy "A" road. This is nothing short of madness, Similarly, a new roundabout has appeared on the same main road without any signage or appropriate lighting. New road junctions are being constructed with no warning signs provided. Speed limits are currently not legal. Much if not all of this will eventually be resolved to most peoples satisfaction, perhaps by the end of the year, by which time some will have been living under these conditions for at least 2 years. I could mention numerous other deficiencies....e.g. lack of broadband. We would all probably agree that these infra structure features should ideally be in place before homes become occupied. So why aren't they? Because either Section 106 or CIL money is withheld until a certain amount of progress with the development has been made, and only then are these vital infra structure considerations provided. Could a reserve of money not be made available to undertake at least the critical works and then when cash is available, put back in "the pot" for future developments elsewhere? While this proposal would require a relatively small initial investment, it need never become an on going drain on finances as it would always be topped up by funding which is currently associated with the development, but not available at the start of the programme. Lives are being put at risk by the current highly unsatisfactory methodology. What is to stop DCC Place Committee recommending exploration of this proposal? It would make a huge beneficial impact on Devon residents lives and give confidence to purchasers of new properties that their lives wont be blighted for many months by inadequate infrastructure. This would make a really positive contribution. Can this committee agree to so recommend?</p>	<p><i>[This is a matter for the Committee to express a view on]</i></p>

<p>17 January 2017</p>	<p>In the event of new roads being constructed in a given area, does that area then receive a higher maintenance allowance to cover potential increased costs? I am thinking of course of the SDH. Do extra miles of highway responsibility equate to higher maintenance funding?</p>	<p>Funding is not allocated on an Area basis. It is allocated in accordance with the Highway Asset Management Plan recently considered by the Place Scrutiny and approved by Cabinet. The process takes account of road category, based on its strategic importance, as also recently discussed at Place Scrutiny. Highway maintenance money will be allocated for routine, emergency and reactive work as necessary and, in time, capital funding will be allocated in accordance with the Highway Asset Management Plan to maintain the integrity of the asset.</p>
<p>17 January 2017</p>	<p>Has any allowance been made in the budget for damage caused by the construction of the SDH to neighbours property and other equivalent compensation claims? (or are these all being covered by insurance?) How many claims have so far been received? How many settled? How many rejected?</p>	<p>Whilst any works are being carried out under the Construction Contract, responsibility for damage to third party property, rests with the Contractor who is responsible for managing such claims and who must, as is required in the Contract, have the necessary insurance cover. For claims resulting from the new scheme, there is an allowance in the scheme budget for compensation claims (Part 1 claims) - for example, as a result of increased noise levels resulting from the works. Devon follows the published procedures to establish the data that will be used in assessing Part 1 claims.</p> <p>One formal claim has been received for damage to property during the construction phase and that has been passed to the contractor to handle in accordance with his obligations under the contract. To date 369 Part 1 claims have been received which will be determined following a programme of noise surveys due to commence shortly which will allow the noise model to be validated and claims assessed.</p>

CX/17/25

Cabinet
10 February 2017
County Council
16 February 2017

Heart of the South West - Devolution

Report of the Chief Executive

Please note that the following recommendations are subject to consideration and determination by the Cabinet and County Council (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations: that Cabinet recommends the Council to:

- a) note the update about the HotSW Combined Authority/devolution deal proposals (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities);
- b) approve the proposals for the HotSW Productivity Plan preparation and consultation proposals (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan);
- c) agree 'in principle' to the establishment of a HotSW Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in this report;
- d) agree that the 'in principle' decision at (c) above is subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to: approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.

Summary

Devolution for the Heart of the South West (HotSW) is being led by Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups. The group has become an informal partnership working towards a Devolution Deal with government to secure greater powers, and control and to have a stronger voice for the area.

Regular updates on progress and key documents are provided on the Council's web page <https://new.devon.gov.uk/democracy/how-the-council-works/devolution/>

Agenda Item 12

This Report provides Members with an update on the activity of the Partnership, and seeks in principle agreement to form a Joint Committee to formalise governance arrangements and launches the development of a Productivity Plan that will replace the LEP's Single Economic Plan for the area.

1. Background

Since the County Council (Minute 157/10 December 2016 refers) gave in-principle agreement to move towards a Combined Authority model to deliver a Heart of the South West devolution deal, the Government has changed and the EU Referendum has taken place. Both of these events have had a significant impact on Government policy and in particular its approach to devolution.

Following the change of Government, the new Secretary of State has made a number of public statements that a Mayoral Combined Authority is required in order to achieve a significant devolution deal. The Secretary of State has promised, early in 2017, to give a definitive statement on the future of Devolution. The Partnership is awaiting this statement before considering its next steps in terms of negotiating a deal.

The Partnership is keen to maintain the momentum achieved to date by putting more formal governance arrangements in place to deliver the key ambition of raising productivity and avoid the area being disadvantaged compared to its neighbours. To allow the area to capitalise on the emerging, national Industrial Strategy, the Leaders are recommending the following at this stage:

- The creation of a HotSW Productivity Plan to develop the strength of the Heart of South West's economy; and
- That consideration is given to the creation of a Joint Committee of HotSW partners to drive the development and delivery of the Productivity Plan and be the basis for identifying further public sector reform opportunities for recommendation to the partner authorities.

Members will note that a Joint Committee is being suggested at this stage rather than a Combined Authority. Due to the uncertainty of the new Government's position on Devolution it would be prudent to formalise arrangements through a Joint Committee rather than create a Statutory Body at this time.

2. HoSW Productivity Plan

The report to Council on 28 July 2016 advised Members that regardless of whether the area entered into a devolution deal with Government, the partnership intended to continue with the development of a Productivity Plan. In the Autumn Statement, the Chancellor emphasised the productivity challenge and set out how the Industrial Strategy and the National Infrastructure Fund would be aligned to address low productivity. Members will note that the Government recently released its Green Paper on the Industrial Strategy. We know that the Secretary of State for Business, Energy and Industrial Strategy expects local areas to set out their local vision for future economic growth.

The Productivity Plan, which replaces the LEP's Strategic Economic Plan, will guide the long term growth aspirations for the area and will be our key strategic document for engaging with Government on economic policy such as the Industrial Strategy. In the absence of a combined authority / devolution deal at this stage a mechanism is required to enable the partners to collaborate formally to maximise what can be achieved within existing structures and resources through new ways of working as well as continue negotiations with

Government over a range of policy agendas to help deliver the partnership's productivity ambitions.

The latest research from Exeter University confirms that the area has one of the best employment rates in the country. However, too many of those jobs are part-time and low paid. The area significantly lags behind the rest of the UK in terms of its productivity and the key to our future prosperity is to address this disparity

Productivity is defined as: "the amount of goods and services that a person, industry or country produces per hour." The more good and services that are produced, the more productive – and ultimately wealthy – an economy is. There are 5 drivers of productivity which must all be addressed for productivity to rise:

Competition

- Which encourages business to innovate and be more efficient; and
- Access to national and international markets through good infrastructure.

Enterprise

- New business opportunities for existing firms and start-ups where competition encourages new ideas and ways of working; and
- Support for businesses and entrepreneurs.

Investment in physical capital

- Machinery, equipment, buildings and infrastructure. More capital generally means that more can be done, better and quicker; and
- Infrastructure and somewhere to 'set up shop' are essential, and investment capital must be available.

Skills

- Skills are needed to take advantage of investment in new technologies and ways of running a business; and
- Skills alone can determine productivity but so do good management, creativity and investment.

Innovation

- The successful exploitation of new ideas: technology, products or ways of working boost productivity, for example as better equipment works faster; and research and development and general support for innovators is essential.

Although not a driver of productivity the issue of housing supply and affordability is acknowledged by local partners as a key barrier to greater productivity. Members will be aware of debates at Council regarding housing and the County Council will continue to push its partners to address this issue within the new Productivity Plan.

The Productivity Plan will be developed through an evidence base produced by the LEP's Future Economy Group and engagement with stakeholders and the community. In developing the Plan a range of issues will be explored:

- Productivity in the public and private sector
- Understanding how the local economy works and interventions required to guide investment decisions
- Bringing together local government, business community, public, the universities and other groups
- The need to build an inclusive economy with growth for all.

Agenda Item 12

Work to create the Productivity Plan is intended to be a fully inclusive process involving all stakeholders and will include public consultation. It will take the form of several stages as follows:

W/c 23 January – 10 March 2017 – a discussion paper will be shared shortly with all Councils. This 'Green Paper' will set out some of the emerging challenges for Heart of the South West productivity identified by the LEP's Future Economy Group. The results from this discussion paper will form the basis of a formal consultation paper on the vision and priorities for a Productivity Plan.

Work to create the Productivity Plan is intended to be a fully inclusive process involving all stakeholders and will include public consultation. It will take the form of several stages as follows:

May 2017 (post County Council elections) – A formal consultation 'White Paper' will be released to all Councils and stakeholders. This will be a public consultation to directly inform the content of the Productivity Plan.

September 2017 – The Productivity Plan will be considered for formal adoption.

3. HoSW Joint Committee Proposal

Members will be aware of work to develop a Combined Authority proposal for the HotSW area. This work was suspended following the change of government focus on Devolution. The partnership agreed that until the Secretary of State clarified Government's approach it would recommend a less risky and more cost effective short term option of forming a HotSW Joint Committee to oversee and own the development and delivery of the Productivity Plan.

The Joint Committee will not have the statutory status of a Combined Authority and cannot deliver the full range of benefits that a Combined Authority can, it does have the potential to provide cohesive, coherent leadership and formal governance. Its role will focus on collaboration, negotiation and influencing with full delegated decision making responsibilities limited to agreeing and overseeing the implementation of the HotSW Productivity Plan. All other matters where a decision is required will be referred back to the constituent authorities for approval.

Ultimately the aims of the Joint Committee through delivery of the Productivity Plan will be to:

- Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- Increase our understanding of the economy and what needs to be done to make it stronger;
- Ensure that the necessary strategic framework, including Ensure that the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations; and Improve the efficiency and productivity of the public sector.

The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress; and will provide the partnership with the formal structure to engage with Government at a strategic level to maximise the opportunities /benefits available to the area from current and future government policy. It will also enable the constituent authorities and partners to have discussions with neighbouring councils / combined authorities / LEP areas on South West

peninsula priorities and issues as well as the ability to move swiftly towards a devolution deal and Combined Authority model in the future if the conditions are acceptable.

A Joint Committee will also provide a formal mechanism for the constituent authorities to engage effectively with the LEP across common boundaries and agendas. The LEP is in the process of adopting a new assurance framework as part of new government requirements which require improvements in the LEP's transparency and accountability. The direct involvement of the LEP in the Joint Committee on many common agendas will provide a mechanism to enable the councils to have a more direct involvement in and greater influence over the activities of the LEP.

The detail of the proposed functions of the Joint Committee and how it will operate will be set out in a draft 'Arrangements' document which will be presented to the constituent authorities for approval in the summer. The reason for only seeking an 'in principle' approval to the creation of a Joint Committee at this stage is because of the local County Council elections scheduled for May 2017. Therefore final decisions to establish the Joint Committee will be sought from all authorities in July / August with a view to the Committee being established on the 1st September 2017.

In detail the proposed functions of the Joint Committee are as follows:

- (a) Develop, own and implement the HotSW Productivity Plan in collaboration with the LEP;
- (b) To identify and develop proposals (for recommendation to constituent authorities / partner agencies as necessary) in response to policy opportunities presented by the Government to secure functions and funding for the benefit of improving productivity. Examples include Industrial Strategy, Brexit, and Devolution;
- (c) Develop and make recommendations to the constituent authorities / partner agencies for actions emerging from the work of the Brexit Opportunities and Resilience Task Group;
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, e.g., strategic road and rail transport improvements;
- (e) Identify opportunities for rationalising / improving existing public sector governance arrangements and make recommendations to the constituent authorities/partners;
- (f) To work with the LEP to identify and deliver improvements to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes formally endorsing the LEP's assurance framework on behalf of the constituent authorities as and when required and before it is formally approved by the LEP's Administering Authority;
- (g) To ensure that adequate resources (including staff and funding) are allocated by HotSW partners to enable the objectives in (a) to (f) above to be delivered;

In addition to the functions set out above, the Joint Committee Arrangements document will set out in detail:

- (a) Membership arrangements: based on 1 Authority (and to include the 2 National Park Authorities, 1 Member (normally the Leader of the Council / Chairman of the National Park Authority), 1 named substitute member and 1 vote. Partner organisations such as the LEP and the Clinical Commissioning Groups will also have non-voting membership of the Joint Committee
- (b) Standing Orders / Rules of Procedure: An Administering Authority will be identified to support the operation of the Committee and it will be recommended that the Standing Orders and Rules of Procedure of the Administering Authority will apply to the operation

Agenda Item 12

of the Committee. This will include the usual Access to Information rules which apply to local authority meetings.

- (c) Provisions to enable a Constituent Authority to formally withdraw from the Joint Committee and for the Joint Committee to be dissolved.
- (d) Appointment of a Chairman and Vice-Chairman on an annual basis.
- (e) The ability for the Joint Committee to appoint sub-committees or establish working groups as required.

A draft Inter-Authority Agreement will accompany the 'Arrangements' document for approval in the summer. This will detail how the Joint Committee will be supported and set out the obligations on the constituent authorities.

In particular this document will set out the Administering Authority functions in support of the operation of the Committee including the provision of financial, legal, constitutional and administrative support to the Committee.

The Agreement will also include:

- (a) The cost sharing agreement setting out how the costs of running the Joint Committee will be met by the constituent authorities
- (b) The roles and responsibilities of the constituent authorities in support of the Joint Committee
- (c) The roles and duties of the Chief Executives' Advisory Group that will support the Joint Committee
- (d) Accounts, Audit, Insurance arrangements
- (e) Confidentiality, Equal Opportunities, Data Protection provisions
- (f) Dispute Resolution provisions.

In addition to the Arrangements and Agreement documents, as part of the summer approval recommendations, the constituent authorities will also be asked to confirm nominations for Joint Committee membership; and appoint an Administering Authority to support the Committee.

4. Consultation, communication and engagement

Members, partners and the public have been kept informed of developments of the HoSW Devolution Partnership through press releases, newsletters, presentations, workshops and publication of the Devolution Statement of Intent and Prospectus for Productivity. Members, partners and the public will be fully consulted on the development of a Productivity Plan which will take place between January to Autumn 2017.

5. Equality Considerations

The partnership will develop an Equality Impact Needs Assessment that will inform the development and adoption of the Productivity Plan.

6. Public Health Considerations

Public Health specialists will be asked to review the Productivity Plan and provide advice to maximise the potential for public health improvements. The range of public health considerations will be presented once the draft plan is considered.

7. Risk Management Considerations

Risk implications will continue to be addressed at all stages of these proposals. The Secretary of State is yet to formally clarify his position on the HotSW devolution proposal although the overall policy direction seems to be becoming clearer. In the circumstances the partnership agrees it needs to move forward with the priority development of the HotSW Productivity Plan and that this can best be achieved through the establishment of a formal Joint Committee in place of the current informal governance arrangements. This will put a formal governance structure around the Productivity Plan preparation, approval and delivery so minimising risk to the County Council and the other partner authorities. It will give partners the ability to negotiate with Government at pace, particularly on the emerging Industrial Strategy but without the statutory commitment required to establish a Combined Authority.

Without a Productivity Plan and Joint Committee in place the Council and its partners will be at a disadvantage in negotiating and lobbying Government on a range of policy initiatives including the growth agenda and are likely to miss out on potential funding streams.

8. Legal considerations

Each of the partners' legal teams and Monitoring Officers will be involved in the development of the detail of the Joint Committee.

The Joint Committee will be instigated through a simple 'Arrangements' document setting out the functions, membership and operation of the Committee as well as an Inter-Authority Agreement setting out how the authorities will support the Committee. These documents will be recommended for approval in the summer but a summary of the principles and issues to be covered are set out in this report.

9. Financial considerations

Costs associated with the early work on the Productivity Plan preparation largely relate to officer time which is being provided 'in kind' by the authorities and partners. Specifically some direct costs will be met by the Local Enterprise Partnership across the common agendas of the LEP and the partnership.

The establishment of a Joint Committee provides a low cost option compared to a Combined Authority structure. It is anticipated that the Committee will receive considerable in kind support from partners and direct running costs will be limited to potentially providing direct officer support for the meetings, if there is insufficient 'in-house' capacity, and the costs of the meetings themselves. In respect of the latter, meeting costs can be minimised through the use of council premises for meetings if that is the wish of the authorities. The assumption at this stage is that the direct support costs will be kept to a minimum but could potentially rise to an estimated maximum of £40k per annum as a shared cost between all constituent authorities. The final costs figure will be dependent on the views of the leaders on the issues raised above. Clarification on these issues will be sought before the decision point is reached in the summer to establish the Joint Committee. It is anticipated at this stage that even if the costs are at the upper figure detailed above then in the first year (2017/18) of the operation of the Joint Committee the costs are likely to be covered by the residual devolution budget so requiring no further call for funding from the authorities.

In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its work. At this stage it is recommended that this should be an early issue for discussion and recommendation by the Joint Committee, once established, as this will be dependent on the eventual work programme.

Agenda Item 12

In coming to their decision about a Joint Committee, Members might like to consider the potential cost/impact of not working in this way and the potential loss of investment to the area. Through recent funding initiatives and policy it is clear that Government is looking for areas to come together and articulate their vision and priorities across footprints wider than their organisational boundary or sub-regional areas. The areas that work on wider boundaries are more successful in securing funding. A recent example of this is the Growth Deal funding settlements announced in the Autumn Statement to the Northern Powerhouse and Midlands Engine authorities, who work through formal governance arrangements, when compared with the wider South West.

The proposal put before you sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies and funding strands.

10. Options/Alternatives

There are two options and alternatives that Members might consider:

Option 1 – Do nothing and continue with informal arrangements within the Partnership. This has been considered but Partners view that more formal arrangements of a Joint Committee will help to strengthen the Partnership and demonstrate our intentions to Government. It will also provide the platform to negotiate with other areas on matters of major strategic and mutual interest such as transport and infrastructure.

Option 2 – move to a Combined Authority. At the moment we are unsure of Government's position on Devolution. Therefore, there is a risk of entering into a statutory arrangement with Government without the financial package or powers to support its work.

11. Reason for Recommendation/Conclusion

The urgent and essential need to improve productivity across the HotSW area is the driver for the recommendations in this report.

The Productivity Plan will replace the Local Enterprise Partnership's Strategic Economic Plan. It will be the key strategic document for the partners to engage with Government on a range of investment opportunities and powers emerging from the Industrial Strategy and the National Infrastructure Fund.

The recommendations also reflect the position reached with the Government on the Combined Authority / devolution deal matters. With no agreement in sight on either issue the Leaders wish to put in place an alternative formal collaboration arrangement at HotSW level to maintain and take forward the momentum achieved by the partnership.

The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of local sub-regional arrangements to deliver their aspirations. It will allow the partners to collaborate to agree and deliver the Productivity Plan as well as engage effectively with the Government, other deal areas and other LEPs on a range of policy agendas. It will allow the partnership to test and improve its ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It will also provide a mechanism to work alongside and influence the LEP on strategic investment decisions affecting the HotSW area and to secure improvements to LEP governance and accountability.

Without a Joint Committee in place at this time at a strategic level, the HotSW area is likely to find itself disadvantaged in terms of taking advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships. Although a Joint Committee cannot undertake the full range of functions of a Combined Authority, it would provide a mechanism towards the establishment of a Combined Authority if deemed appropriate, including the potential to operate as a shadow Combined Authority at some point in the future.

Phil Norrey
Chief Executive

Electoral Division: All

Cabinet Member for Policy and Corporate: Councillor John Hart

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sue Rose
Room No. G60, County Hall, Exeter. EX2 4QD

Tel No: (01392) 382371

APPEALS COMMITTEE

12 December 2016

Present:-

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

Apologies:-

Councillors J Hawkins

* 37

Minutes

RESOLVED that the minutes of the meeting held on 14 November 2016 be signed as a correct record.

* 38

Items Requiring Urgent Attention

There were no items requiring urgent attention.

* 39

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.

* 40

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.

* 41

Deferred Appeals - Kingsbridge - Kingsbridge Academy

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

The Committee considered the recommendation of members who had inspected the above and now confirmed that the route was available.

RESOLVED that the appeal in respect of ST 67 AH be refused.

* 42

School Transport Appeals

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

Agenda Item 14a

APPEALS COMMITTEE
12/12/16

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

ST 71	HL	Little Torrington - Great Torrington School	Ms DL
ST 72	ED	Woolwell - Tor Bridge High	Mrs D, NH
ST 73	TC & JC	Westward Ho - Bideford College	-
ST74	TLB	Ottery St Mary - Honiton CC	Mr PB, Mrs FB

RESOLVED:-

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

ST74	TLB	Ottery St Mary - Honiton CC	Mr PB, Mrs FB
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(b) that the following appeal(s) be deferred for members' route inspection:-

ST 71	HL	Little Torrington - Great Torrington School	Ms DL
ST 72	ED	Woolwell - Tor Bridge High	Mrs D, NH
ST 73	TC & JC	Westward Ho - Bideford College	-

(c) that the following appeal(s) be deferred (by parent):-

ST 70	RT	Barnstaple - Exeter College.	
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***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.15 am and finished at 1.30 pm

APPEALS COMMITTEE

9 January 2017

Present:-

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

* 43

Minutes

RESOLVED that the minutes of the meeting held on 12 December 2016 be signed as a correct record.

* 44

Items Requiring Urgent Attention

There were no items requiring urgent attention.

* 45

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.

* 46

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.

* 47

Deferred 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 the recommendation of members who had inspected the following and now confirmed the routes were available:-

ST 71 HL Little Torrington - Great Torrington School

ST 73 TC & Westward Ho - Bideford College.
JC

RESOLVED that the appeals in respect of the above be refused.

* 48

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:-

ST 75	RF & HF	Bovey Tracey - Heathfield St Catherine's RC	Ms F
ST 77	RE & LE	Marldon - Paignton Kings Ash Academy	Mrs E

RESOLVED:-

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

ST 75	RF & HF	Bovey Tracey - Heathfield St Catherine's RC	Ms F
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(b) that the following appeal(s) be deferred due to new information:-

ST 77	RE & LE	Marldon - Paignton Kings Ash Academy	Mrs E, Mr E, Mrs E snr Cllr Rowe
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(c) that the following appeal(s) be deferred at the parents' request:-

ST 76	SR	Newton St Cyres - Bicton College
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ST 70	RT	Barnstaple - Exeter College
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***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 12.00 pm

APPOINTMENTS AND REMUNERATION COMMITTEE

16 January 2017

Present:-

Councillors J Hart (Chairman), J Clatworthy, A Connett and R Westlake

Apologies:-

Councillor B Parsons

* **12** **Minutes**

RESOLVED that the Minutes of the meeting held on 18 October 2016 be signed as a correct record.

* **13** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

14 **Pay Policy Statement 2017/18**

The Committee considered the Joint Report of the County Solicitor and Head of Human Resources ([CS/17/7](#)) containing the proposed Pay Policy Statement for 2017/18 reflecting changes in legislation and leadership changes agreed previously and outlining consequential changes to the Council's Constitution, for approval by the County Council.

The Committee were reminded that the Localism Act 2011 required Councils to prepare and approve, annually, a Pay Policy Statement setting out its policy for each financial year relating to remuneration of Chief Officers and other employees and the relationship between the pay of chief officers and the lowest paid employee.

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

RESOLVED

(a) that the Pay Policy Statement for 2017/18 appended to these Minutes be endorsed and commended to the County Council;

(b) that no change be made to the *Leadership Grades* other than reflecting changes in nomenclature resulting from recent revisions to the Senior Management structure (Minute 6/29 July 2016 refers) acknowledging also that actual salaries paid in any given year including allowances would be published in the Devon Pension Fund Annual Report;

(c) that the Council be recommended also to approve the amendment of this Committee's Terms of Reference (as appended to these Minutes) reflecting the revised Model Disciplinary Procedure and Guidance in the JNC Chief Executives Handbook.

Agenda Item 14b

APPOINTMENTS AND REMUNERATION COMMITTEE
16/01/17

* **15** **Senior Management Structure: Update (Minute 9/18 October 2016)**

The Committee received the Report of the Chief Executive ([CX/17/10](#)) providing an update on leadership changes introduced in line with the Committee's previous decision and on action taken by the Chief Executive in making arrangements under delegated powers for any interim arrangements pending the making of substantive appointments.

The Committee also noted that a meeting of the Committee was to be held on 1 March 2017 to interview candidates for the substantive post of Head of Children's Social Care and that interim arrangements would be put in place, pending the County Council elections in May 2017, for filling the position of Chief Officer for Highways, Infrastructure Development & Waste consequent upon the retirement of the current postholder on 31 March 2017.

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

The Meeting started at 2.21 pm and finished at 2.49 pm

APPOINTMENTS AND REMUNERATION COMMITTEE

2 February 2017

Present:-

Councillors J Hart (Chairman), B Greenslade, S Hughes and R Westlake

Apologies:-

Councillor J Clatworthy

* 16

Minutes

RESOLVED that the Minutes of the meeting held on 16 January 2017 be signed as a correct record.

* 17

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 18

County Council Election Fees 2017

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED that the schedule of fees for the 2017 Quadrennial Elections prepared in consultation with District Council Chief Executives and Deputy (District Council) Returning Officers and in line with the indicative framework approved in 2012 (Minute 4/18 September 2012 refers) be endorsed.

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

The Meeting started at 3.00 pm and finished at 3.05 pm

DEVELOPMENT MANAGEMENT COMMITTEE

25 January 2017

Present:-

County Councillors:-

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

Member attending in accordance with standing Order 25:-

Councillors B Hughes

Apologies:-

Councillors J Hawkins and E Morse

* 34

Minutes

RESOLVED that the Minutes of the meeting held on 23 November 2016 be signed as a correct record.

* 35

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 36

County Council Development: East Devon District: Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way and the A376 Exmouth Road, provision of a footway and associated landscaping.

(Councillor B Hughes attended in accordance with Standing Order 25(2) and spoke to this item in support of the application)

(Mr R Richards (on behalf of the applicant, Devon County Council) and Mr T Malim (on behalf of the applicant, from SLR Consulting) attended under the Council's Public Participation Scheme and spoke in support of the application and Mr M Calder (National Trust) attended and spoke against the application)

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/5) on a proposal for an 830m new road connecting the A376 to Dinan Way on the outskirts of Exmouth and the A376 Exmouth Road and provision of a footway on the south side of the carriageway, earthworks and associated landscaping. The proposed road would be located between Pitt Farm and Summer Lane, Lympstone.

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 and he also reported that Natural England had confirmed the County Council's conclusion that a Habitat Regulation Assessment was not required. Members noted that proposed road was being constructed as a 40 mph road thereby obviating the need for speed restrictions.

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

Agenda Item 14c

DEVELOPMENT MANAGEMENT COMMITTEE
25/01/17

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

RESOLVED

(a) that Planning Permission be granted subject to the conditions set out in Appendix II of this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local County Councillor);

(b) that the applicant use all reasonable endeavours to secure appropriate mitigation for impacts on Cirl Buntings and Great Crested Newts by securing a land management agreement, or by providing appropriate off-site compensation if such agreement is not made, with such arrangements put in place before the development starts;

(c) that East Devon District Council be asked to consider making a Tree Preservation Order to protect the trees and hedgerows in the designated Green Wedge area, between Summer Lane and the proposed new road.

(N.B. In line with the Council's Development Management protocol Councillor Hannaford was precluded from voting on the application not having been present throughout the Officer's introduction and update on the Report; and in accordance with Standing Order 32 Councillor Vint requested that his vote against be recorded)

* 37 **County Matter: Waste: East Devon District: Variation of planning condition of planning permission 09/0824/CM, relating to on-site operational hours at the Kerbside Waste Recycling and Storage Facility at Greendale Business Park, Woodbury Salterton**

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/6) on an application to vary planning condition 8 of planning permission reference 09/0824/CM relating to hours of operation for the kerbside recycling processing and storage facility at Unit 42, Greendale Business Park, Woodbury Salterton.

The Head of Service corrected the Report at Appendix II - Planning Condition 5. to read 0630 – 16.00 hours (not 1800) on a Saturday during a week in which there was a bank holiday or other public holiday.

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 Sanders, **SECONDED** by Councillor Hosking and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II to Report PTE/17/6 (as amended) (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local County Councillor).

(N.B. In accordance with Standing Order 32 Councillor Hannaford requested that his abstention from voting be recorded)

* 38 **County Matter: Waste: Teignbridge District: Consolidating application for the retention of the integrated waste management facility and the extension in time**

(20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford

The Committee considered the Report of the Head of Planning, Transportation and Environment PTE/17/7 on a consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon. The application was accompanied by an Environmental Statement. The Head of Service corrected the Report at Appendix II - planning condition 11 - operating hours from 07.00 to 18.00 hours Monday to Sunday (not Saturday).

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 Diviani and

RESOLVED that subject to the applicant signing a legal agreement relating to the areas in the Heads of Terms set out in Appendix III to Report PTE/17/7 planning permission be granted subject to the conditions set out in Appendix II to Report PTE/17/7 (as amended) (with any subsequent changes to the conditions or legal agreement being agreed in consultation with the Chairman and Local County Councillor).

* 39

County Matter: Waste: Torridge District: Construction and operation of a Resource Recovery Centre, extension of the lifetime of the existing non-hazardous and asbestos waste landfill, recycling facility and green waste composting until 31 December 2030; and associated new internal access roads, and ancillary development, at Deep Moor Landfill Site, High Bullen, Torrington

(M C Hedley (on behalf of the applicant) attended under the Council's Public Participation Scheme and spoke in support of the application and Mr T Roberts (planning consultant, for Objectors) attended and spoke against the application)

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/8) on an application for the construction and operation of a Resource Recovery Centre comprising a permanent new waste transfer station building; a 2MWe solar farm; an extension of the lifetime of the existing non-hazardous and asbestos waste landfill, recycling facility and green waste composting until 31 December 2030; and associated new internal access roads, office, weighbridges and weighbridge office, associated surface water attenuation features and other ancillary development, land at Deep Moor Landfill Site, High Bullen, Torrington.

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 Sanders, **SECONDED** by Councillor Bowden and

RESOLVED

Agenda Item 14c

DEVELOPMENT MANAGEMENT COMMITTEE
25/01/17

(a) that planning permission for the solar farm be granted subject to the relevant conditions as set out in Appendix II to Report PTE/17/8 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and the Local County Councillor).

(b) that Planning permission for the proposed Waste Transfer Station and associated extension to the life of the landfill, recycling facility and green waste composting facility on a temporary basis until 31 December 2030 be refused for the following reasons:

(i) the location of the proposed Waste Transfer Station in relation to the main sources of waste in Northern Devon would result in increased vehicle mileage in comparison with sites close to those sources, contrary to the aim of the Devon Waste Plan to minimise waste transportation distances, as expressed through Objective 6 and Policies W3 and W17;

(ii) the development and operation of the proposed Waste Transfer Station would have an unacceptable impact on the quality of life and amenity of the residents of Three Oaks, in terms of visual intrusion; noise and vibration and odours contrary to the Devon Waste Plan Policy W18;

(iii) the operation of the proposed Waste Transfer Station would result in an increase in heavy goods vehicles which would have an adverse effect on the functionality of the transportation network, contrary to Devon Waste Plan Policy W17.

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

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/9) of action taken under delegated powers.

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

The Meeting started at 2.00 pm and finished at 4.15 pm

Agenda Item 14c

DEVELOPMENT MANAGEMENT COMMITTEE
25/01/17

PROCEDURES COMMITTEE

2 February 2017

Present:-

Councillors A Moulding (Chairman), B Greenslade, J Hart, S Hughes, R Julian, J Owen, N Way and R Westlake

Attending in accordance with Standing Order 25

Councillors J Clatworthy and R Vint

Apologies:-

Councillor T Dempster

16 Minutes

RESOLVED that the minutes of the meeting held on 14 September 2016 be signed as a correct record.

17 Items requiring urgent attention

There was no item raised as a matter of urgency.

18 Heart of the South West Devolution: Establishment of Joint Committee

The Committee noted that the Cabinet would, at its next meeting, receive a report on progress with the Devolution Deal/ Combined Authority seeking, inter alia, the approval of (a) arrangements agreed by partner Councils for the preparation and approval of a HoSW Productivity Plan in support of the partnership's aspirations for a devolution deal previously approved by the Council (Minute 157/10 December 2016)) and (b) agreement, in principle, to the creation of a Joint Committee for the HoSW to start work, in the Autumn of 2017, with all detail reserved. Members endorsed the establishment of a Joint Committee, in principle, subject to ratification and reaffirmation of that at the Annual Meeting of the Council following the 2017 County Council elections and approval of all necessary governance arrangements.

19 Members Allowances: Independent Members Allowances Remuneration Panel Report

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2017. Mr B Tanner, the Chairman of the Panel, attended and spoke at the invitation of the Committee to present the Panel's Annual Report and respond to questions from Members.

Members welcomed the Panel's acknowledgment that while historically there had been little scope for improvement the structure of the County Council's scheme remained fit for purpose with sound principles and noted that, in commending its Report to the Council, the Panel had not suggested any significant amendments to the basic structure of the Council's scheme.

The Panel had nonetheless recommended a number of minor amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration could perhaps be given by the County Council after the 2017 elections to uprating of basic and special responsibility allowances, as set out in Appendix 1 of its Report.

Agenda Item 14d

PROCEDURES COMMITTEE
2/02/17

Members noted that there was no proposal within the Council's draft budget for 2017/18 to increase Members' Allowances in that year acknowledging also that the newly elected County Council would be able to review the current Constitution, which included the Scheme of Allowances for Members, if its wished. Moreover, Members also acknowledged and reiterated the importance of Political Group Leaders taking a robust approach to performance management as identified in the Panel's Report and as previously agreed (Minute 339(d)/4 February 2016 refers).

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

RESOLVED

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and recommends the County Council make no change to the current scheme at this time.

20 Distribution of Information to Members

The Committee reviewed the operation of the Council's Working Practices relating to the distribution of information to members of the Council by Officers, over and above the rights of members set out in the Access to Information Procedure Rules (para 13.3) as set out in full on the Agenda for this meeting.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

RESOLVED

(a) that the Committee confirm that the principles referred to above should also apply to any information distributed by a Cabinet Member or Chairman where such information relates generally to County Council Services or any matter for which the Council has responsibility and was provided by or based upon information provided by an Officer in line with the protocol and to agree to the Council's Working Practices being revised accordingly;

(b) that Officers be reminded of the need to maintain confidentiality of information provided to a local member, in line with the protocol, where so requested.

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

The Meeting started at 2.15 pm and finished at 2.57 pm

PEOPLE'S SCRUTINY COMMITTEE

5 January 2017

Present:-

Councillors S Randall-Johnson (Chairman), F Biederman, C Channon, A Dewhirst, R Hannaford, A Hannan, R Hosking, J Mathews, P Sanders and C Mabin

Additional Members for Educational Issues:-

Mrs Mabin (Church of England)

Members attending in accordance with Standing Order 25

Councillors Barker and McInnes

Apologies:-

Councillors E Barisic, A Connett, A Eastman, R Rowe, M Squires and R Julian

* 35

Minutes

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

* 36

Public Participation: Representations

There were no representations received.

* 37

Children's Standing Overview Group

The Committee received the Report of discussions at the meeting on 2 December 2016 (CS/17/05) on, inter alia, Children in Care and concerns over delays in initial Health Assessments for looked after children and the number of young homeless; Children's Social Work and Child Protection performance, looking at in-house fostering and reducing reliance on high cost external residential placements and the positive site visits that took place to the Children's Social Work Officers in Tiverton and Barnstaple.

* 38

Adults Standing Overview Group

The Committee received the Report of discussions at the meeting on 7 December 2016 (CS/17/06) focusing on, inter alia, on the Promoting Independence Policy and creating a robust short term strategy to help promote independence. Members noted the positive site visits to the Residential Care Homes and concerns over the timeliness of re-assessments and the impact of delays on small care homes cash flow.

* 39

Statements of Special Education Needs to Education and Health Care Plans

(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).

(Councillor Biederman declared a personal interest in this matter by virtue of having a child with a Statement of Special Educational Needs and Disability).

Agenda Item 14e

PEOPLE'S SCRUTINY COMMITTEE
5/01/17

The Committee noted the Report of the Head of Education and Learning (CS/17/05) on the findings of the Peer Review and latest performance data on Special Educational Needs and Disability (SEND).

A Peer Review was carried out following a new framework for inspection of local areas effectiveness in identifying and meeting needs of children and young people who have special educational needs and/or disabilities, providing independent feedback on Devon's progress and to inform preparation for a formal local area inspection. Main points highlighted within the Review included improved leadership across the Special Education Needs team and improved outcomes for children with SEND against national standards. This provided an overall positive external validation of the Council's self-assessment, reinforcing areas of key strengths and helping to identify areas for improvement. Members were also informed of the improved transfer rates of Statements of SEN to Education and Health Care Plans, with 71% of the latest transfers completing on time.

* **40** **Children's Social Work and Child Protection - Performance Report**

The Committee considered the Report of the Head of Children's Social Work and Child Protection (CS/17/04) updating Members in relation to Multi-Agency Safeguarding Hub, Early Help, Children in Need and a reduction in Social Worker caseloads, Referrals into statutory children's service, single assessments, a reduction in child protection enquiries, child protection conferences and a higher than the national average number of repeat child protection plans.

* **41** **Devon County Council and Devon Prisons from a Care Act Perspective**

The Committee received the Report of the Head of Care Operations and Health (ACOH/17/01) on the progress and ongoing plans for action in relation to Devon Prisons and adult social care post implementation of the Care Act 2014.

Members' discussions included the rates of suicide within HMP Exeter and the work of social workers to help reduce this and the extremely positive value of the Devon 'Buddies' system in supporting prisoners to promote wellbeing and independence by accessing employment opportunities within the prison.

* **42** **Adult's 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/17/59) highlighting areas of good performance and where further improvement and development were needed in line with current adult vision priority.

The report focused on areas where targets were not met and areas presented in the report and discussed by Members, in line with the Vision Priorities, included: ensuring that people using the service felt safe, reducing the need for long term social care and support, expanding the use of community based services, ensuring people have a positive experience of the social care services, ensuring the workforce can deliver effective services and ensuring that planning and commissioning of adult social care services are integrated within the NHS.

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

The Meeting started at 2.00 pm and finished at 4.00 pm

PEOPLE'S SCRUTINY COMMITTEE

23 January 2017

Present:-

Councillors S Randall-Johnson (Chairman), E Barisic, F Biederman, C Channon, A Connett, A Dewhirst, A Eastman, R Hannaford, A Hannan, R Hosking, J Mathews, R Rowe, M Squires and R Julian

Members attending in accordance with Standing Order 25

Councillors S Barker, P Bowden, J Clatworthy, A Davis, J Hart, J McInnes and B Parsons

Apologies:-

C Mabin

* 43

Minutes

RESOLVED that the minutes of the meeting held on 5 January 2017 be signed as a correct record.

* 44

Public Participation: Representations

There were no representations received.

* 45

Budget

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

The Committee noted that, in line with previous practice, the proposed budget for the 2017/18 financial year would be scrutinised collectively, with a joint meeting of Scrutiny Committees to be held on 30 January 2017, providing an opportunity for Members to comment on proposals for the Council's Budget in its entirety. This would follow the opportunity for individual Scrutiny Committees - as at this meeting - to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the joint meeting referred to above for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the Joint Report of the County Treasurer, the Chief Officer for Adult Care and Health and the Chief Officer for Children's Services ([CT/17/4](#)) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for Adults and Children's Services which included inflation, commitments and service prioritisation reductions.

The Report also contained the detailed budget proposals for Adult and Children's Services, prepared in line with those targets, reflecting the different pressures and influences faced by services. The proposed budget for Adult Care and Health Services of £216,493,000 incorporated inflation and commitments at £26,936,000 and required budget savings of £8,190,000; and the proposed budget for Children's Services of £118,131,000 incorporated inflation and commitments at £7,843,000 and required budget savings of £5,539,000.

Members noted that overall, service inflation and commitments for the Council for the year were estimated at £43,026,000 and that to manage those combined pressures and set a

budget within Government provisional targets, total savings of £22,229,000 would need to be found in the 2017/18 budget. The announcement by Government on the final settlement and Council Tax Regulations was expected shortly.

Officers, in commenting on the likely implications of the 2017/18 target budget, advised that the overall approach had been to strike a balance between the reality of austerity while protecting the most vulnerable. The Committee recognised that there were significant financial pressures in the current year, especially within Adult Services, and that the costs to obtain sustainable care of the right quality had risen, particularly as a result of the national living wage, significant demographic pressures, increases in the number of care packages and in the unit costs for such packages. Looked after children placements costs were similarly demand-led and increasing in number. Nonetheless, the guiding principle had been to ensure that clients were supported in the care setting that most effectively maximised their independence and was underpinned by the general principle of promoting independence for people to stay in their home and in their community.

Members also noted the significant cost pressures relating to the High Needs Service largely due to increase demand where the cost of educating pupils with complex educational and physical needs could be significant and volatile. Whilst additional funding had been made available within the proposed budget, management action was being taken to address the problem in the Dedicated Schools Grant, noting also that the deliverability of a balanced budget depended on successfully increasing capacity in maintained special schools and disinvesting from the more expensive independent sector.

The Report now before the Committee also referred to the Budget 2017/18 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (*available at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/>*), for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included:

(i) in relation to Adult Social Care:

- noting the vagaries of a demand led service, acknowledging that there had been a 15% increase in Adult Social Care budgets over the last two years which, in parallel with the general aim of promoting independence for people to live more independent and fulfilling lives, would achieve best outcomes and achieve value for money;
- acknowledged the certainty created in future expenditure with the recently agreed contract for Living Well at Home and the need to similarly review contractual arrangements for residential care in light also of revised standards of external assessment and the Council's duty to ensure, inter alia, market sufficiency under Part 1 of the Care Act;
- welcomed and endorsed the fact that the budget, as now proposed, was predicated on a 3% increase in the Social Care precept for 2017/18 and had been formulated so as to achieve required savings identified in the target budget and deliver services differently as outlined above; although it was accepted it was not possible to give a

100% guarantee that the budgets would be sufficient given the largely demand led nature of the services.

(ii) in relation to Children's Services:

- that whilst acknowledging the overall 2% increase in Children Services budgets this was nonetheless against the background of significant savings required under the target budget;
- the impact on the Council's budget of any 'perceived' shortfall in government grant to fund directed activities such as Unaccompanied Asylum Seeker Children;
- recognising the importance of adequate provision and integrated working to ensure support for vulnerable persons to maintain access to services (through children's centres) acknowledging also the inherent value of informal contacts and networks and co-location of services and the vital need for appropriate checks and balances to reduce risk; and

(iii) generally:

- supporting the Council's case for increased funding for education and social care services in rural areas like Devon.

The Committee were reminded that its consideration of the draft Adults and Children's Services budget was just part of the process of setting the Council's budget which, following this meeting and the further joint scrutiny session on 30 January 2017 would culminate in the Cabinet on 10 February 2017 formulating a budget for consideration by the County Council on 16 February 2017.

Members noted representations received about the possible reduction (of £5,000) in the budget for SACRE provided to Babcock plc under the Learning Development Partnership; the Head of Education and Learning having indicated her willingness to discuss the issue further with Babcock plc, if approached.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Hannaford and

RESOLVED

(a) that the provisional financial settlement and its impact on spending targets and on the proposed People's Services budget for 2017/18 be noted and the issues and/or observations set out above be drawn to the attention of the Joint Budget meeting on 30 January 2017; and

(b) that the Committee urgently conducts a Spotlight Review on options for Public Health Nursing Services and Integrated Childrens Services (Cabinet Minute *113/11 January 2017), to review options and report directly to Cabinet in March 2017.

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

The Meeting started at 10.00 am and finished at 12.15 pm

PLACE SCRUTINY COMMITTEE

10 January 2017

Present:-

Councillors R Radford (Chairman), G Hook, K Ball, C Clarence, T Dempster, A Eastman, R Edgell, O Foggin, J Hawkins, R Hill, B Hughes, R Vint and N Way

Members attending in accordance with Standing Order 25:-

Councillors A Leadbetter, R Croad and B Greenslade

Apologies:-

Councillors P Bowden and J Yabsley

* 30

Minutes

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

* 31

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 32

Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr Dezell on a matter to be considered by the Committee that day, namely the Connecting Devon and Somerset Programme Update.

The Chairman responded, thanking Mr Dezell for his attendance and presentations which would be taken into account by the Committee during its subsequent deliberations.

* 33

Section 106/Community Infrastructure Levy (CIL) and Monies for Highway Works

The Committee received the Report of the Head of Planning, Transportation and Environment (PTE/17/1) on how the Council secured Section 106 contributions and infrastructure funding to support new development and, within the current planning regime, described the process involving Section 106 agreements and the use of a CIL.

In responding to issues discussed by Members the Head of Service advised that unlike Section 106 Agreements, the CIL related to the Local Plan area as opposed to specific, individual sites or applications.

* 34

Highway Maintenance Hierarchy Review: Road Categories

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HW/17/1) on the review of the Highway Maintenance Hierarchy and the classification of the Devon Road Network which would provide an up-to-date category for every public road in Devon and would enable alignment with the recommendations of the National Code of Practice and with the road hierarchy of neighbouring highway authorities in the region.

Agenda Item 14f

PLACE SCRUTINY COMMITTEE
10/01/17

The review process was scheduled for completion by October 2017 and following Consultation, road categories for each public road in Devon would be published on the Council's website and adopted for future use by Devon as the Local Highway Authority.

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

RESOLVED that the review process including the alignment of the criteria and route categories with neighbouring local highway authorities; and consultation with Local Councils to validate the officer analysis of road category be endorsed.

* **35** **Corporate Energy Saving**

(Councillor Hook declared a personal interest in this item by virtue of being a shareholder in Teign Energy Communities.)

The Committee received the Report of the Head of Digital Transformation and Business Support (BSS/16/20) updating Members on the Council's objectives in terms of corporate energy savings and renewable energy production.

The Committee acknowledged that significant progress had been made with a reduction in consumption and resultant costs savings following the implementation of a number of energy efficiency measures, the continued reduction in the Council's property portfolio and a dedicated resource to focus on energy management.

* **36** **Agriculture Task Group**

(Councillor Greenslade attended in accordance with Standing Order 25(2) and spoke to this item.)

The Committee considered the Agriculture Task Group's Report on the current challenges faced by Devon's agriculture sector, the impact this had on the rural economy and how the Council, its partners and central government could help support, sustain and develop the industry.

The Committee extended its thanks to those Members and Officers that had contributed to and were involved in the preparation of the Report.

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

RESOLVED

(a) that the Committee note and endorse the recommendations made in the Report for approval by Cabinet;

(b) that a copy of the Report be sent to the Secretary of State, Devon MPs and other appropriate bodies for endorsement;

(b) that the Committee receive progress Report in a year's time.

* **37** **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/17/1) on progress made to date on the Connecting Devon and Somerset Programme

(CDS) having regard to the further representations received on this matter at Minute *32 above.

The Head of Service reported further, in particular, that:

- Phase One (BT contract) – there were now 11,000 premises short of the Superfast Connection Speed and Officers were working closely with BT on this to produce an improved remedial plan;
- Phase Two Procurement - the contract to deliver phase two of the programme had been awarded to Gigaclear and an investment of £43.75m secured from them; also funding of £4.6m had been secured from the European Regional Development Fund;
- the Voucher Scheme had now received 580 installations with 4,600 vouchers having been approved to date for use until the end of March; the scheme was now paused for review, although registrations of interest could still be made.

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

RESOLVED that Gigaclear be invited to attend a Members' briefing at a future date to set out its plans for delivery of superfast broadband to the hardest to reach homes and businesses in the region by 2019.

* 38

Place Scrutiny Committee 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 Cabinet/Council Forward Plan.

The Work Programme was endorsed subject to the addition of the following:

Agriculture Task Group Report
Corporate Energy Storage – update on funding bids.
Devolution

[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 4.41 pm

PLACE SCRUTINY COMMITTEE

20 January 2017

Present:-

Councillors R Radford (Chairman), G Hook, P Bowden, T Dempster, A Eastman, R Edgell, J Hawkins, R Hill, R Vint, N Way and J Yabsley

Members attending in accordance with Standing Order 25

Councillors J Clatworthy, R Croad, J Hart and S Hughes.

Apologies:-

Councillors K Ball, O Foggin and B Hughes

* 39

Minutes

RESOLVED that the minutes of the meeting held on 10 January 2017 be signed as a correct record.

* 40

Budget 2017/18

(Councillor Hart (Leader of the Council and Cabinet Member, Policy and Corporate) attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee noted that, in line with previous practice, the proposed budget for the 2017/18 financial year would be scrutinised collectively, with a joint meeting of Scrutiny Committees to be held on 30 January 2017, providing an opportunity for Members to comment on proposals for the Council's Budget in its entirety. This would follow the opportunity for individual Scrutiny Committees – as at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the joint meeting referred to above for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the Joint Report of the County Treasurer, the Chief Officer for Communities, Public Health, Environment and Prosperity and the Chief Officer for Highways, Infrastructure Development and Waste (CT/17/03) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for Communities, Public Health, Environment and Prosperity and Highways, Infrastructure Development and Waste Services which included inflation, commitment and service prioritisation reductions.

The Report also contained the detailed budget proposals for Communities, Public Health, Environment and Prosperity, and Highways, Infrastructure Development and Waste prepared in line with those targets, reflecting the different pressures and influences faced by services.

The proposed budget for Communities, Public Health, Environment and Prosperity of £35,203,000 incorporated inflation and commitments of £2,468,000 and required budget savings of £576,000; and the proposed budget for Highways, Infrastructure Development and Waste of £56,406,000 incorporated inflation and commitments of £3,496,000 and required budget savings of £5,527,000.

The Public Health draft budget had previously been considered by the Health and Wellbeing Scrutiny Committee on 19 January 2017.

Members noted that overall, service inflation and commitments for the Council for the year were estimated at £43,026,000 and that to manage those combined pressures and set a budget within Government provisional targets, total savings of £22,229,000 would need to be found in the 2017/18 budget. The announcement by Government on the final settlement and Council Tax Regulations was expected shortly.

The Committee were reminded that its consideration of the draft budgets of Communities, Environment and Prosperity and Highways, Infrastructure Development and Waste was just part of the process of setting the County Council's budget which, following this meeting and the further joint scrutiny session on 30 January 2017 would culminate in the Cabinet on 10 February 2017 formulating budgets for consideration by the County Council on 16 February 2017.

Chief Officers, in commenting on the likely implications of the 2017/18 target for individual areas of service, confirmed that demand on these areas to undertake transformation change whilst continuing to provide services remained testing. Strategies used to achieve the target budget included income generation, review of policies and statutory levels, alternative methods of service delivery including collaboration and community self-help and process changes including digital by design.

The proposed capital programmes for Communities, Public Health, Environment and Prosperity Services and Highways, Infrastructure Development and Waste would direct resources towards preventive works reducing whole life maintenance costs or schemes funded from external services, maximising investment in the county's physical infrastructure.

The Report now before the Committee also referred to the Budget 2017/18 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/>), for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. That Assessment provided information on the impacts of savings strategies and a detailed analysis of community feedback and data and views on budget priorities and council tax. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

In accordance with the Scrutiny Budget Framework 3 questions had been received from Members via the dedicated electronic mailbox facility which were circulated with factual responses where applicable (copy attached to Minutes).

Specific issues and observations arising from the current budget proposals raised at the meeting included the following, namely:

- the need for Cabinet to take account of impact assessments and ensure appropriate mitigations were put in place where appropriate;
- possible adverse impact on future budgets for services of reductions in specific or dedicated grants;

- acknowledging the benefit for the Council's budget of maximising recycling (through the waste hierarchy); joint arrangements with District Councils and action taken to minimise waste; the creation of energy from waste and improving public education.

Members also identified the following area where the Committee might usefully ask for further information or undertake further scrutiny, namely:

- the importance of suitable basic infrastructure being put in place prior to developments funded, for example, through Section 106 agreements, acknowledging the responsibility of the Local Planning Authority in that process; and identifying further action the County Council may take to reinforce and add rigour to that process.

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

RESOLVED that the provisional financial settlement and its impact on spending targets and on the proposed Communities, Public Health, Environment and Prosperity Services and Highways, Infrastructure Development and Waste Services budget for 2017/18 and the issues and/or observations set out above be drawn to the attention of the Joint Budget meeting on 30 January 2017.

[NB: In accordance with Standing Order 32(4) Councillor Way asked that his vote for the amendment in Councillor Hook's name to seek additional budgetary provision for waste education be recorded.]

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

The Meeting started at 10.00 am and finished at 11.30 am

HEALTH AND WELLBEING SCRUTINY COMMITTEE

19 January 2017

Present:-

Councillors R Westlake (Chairman), J Brook, C Clarence, P Colthorpe, P Diviani, B Greenslade, G Gribble, R Julian, E Morse, D Sellis (Vice-Chair), E Wragg, C Wright, S Randall-Johnson, A Dewhirst, A Hannan, R Hosking, M Squires, R Hannaford and R Rowe

Apologies:-

Councillors A Boyd, C Chugg, R Gilbert, E Barisic, A Connett and J Mathews (Health and Wellbeing Scrutiny Committee)

Councillors E Barisic, A Connett, J Mathews and R Rowe (People's Scrutiny Committee)

Members attending in accordance with Standing Order 25

Councillors S Randall Johnson, F Biederman, A Dewhirst, A Hannan, R Hannaford, R Hosking and M Squires (People's Scrutiny Committee)

Councillors S Barker, A Davis, Councillor M Edmunds and J McInnes

* **37** Items Requiring Urgent Attention

There was no item raised as a matter of urgency

* **38** Public Participation Representations

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr Wardman, Mr Clinch, Ms Funnell, Ms Fuller and Mr Wearne, on the matter to be considered by the Committee, namely the wider Devon Sustainability and Transformation Plan (Minute 39) on implications for local community and acute 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.

* **39** Wider Devon Sustainability and Transformation Plan (STP)

Ms A Pedder (Lead, Chief Executive, Wider Devon STP), Ms J Fitzgerald (Chief Officer, NEW Devon Clinical Commissioning Group (CCG)) and Ms L Nicholas (Director of Strategy NEW Devon CCG) attended and spoke to this item at the invitation of the Committee along with Dr P Norrey (Chief Executive Devon County Council).

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 4 November 2016 and circulated to all members of the Council. The STP was the local plan developed by the NHS in Devon working with Devon County Council, Plymouth City Council and Torbay Council, to achieve the NHS 'Five Year Forward View' and designed to provide the overarching strategic framework to achieve safe, sustainable and integrated local support by 2021. The Report covered an STP overview and outlined the 'next steps'.

Ms Pedder with the other NHS representatives also gave a brief presentation covering: the footprint and ambition, the triple aim of the Plan, challenges, STP priorities and the next steps.

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Members recognised the wider funding issues facing the NHS and social care budgets, acknowledging the under investment in areas such as mental health and early care and prevention. Members accepted – as previously agreed by the County Council – and reflected in the conclusions of the NHS Fairer Funding Task Group – that NHS/social care services were underfunded and acknowledged also the wider expectations nationally that expenditure on health should be closer to 11% of GDP (currently 7.9%). Members also heard and understood the point that were even more resource was made available to the NHS there would still be a need to address current under investment in services and inequalities in provision across the county for the benefit of Devon's residents.

The Chief Executives of the County Council and the Wider Devon STP re-affirmed that the County Council was not a formal signatory to the STP nor did not have to approve or endorse it in whole or in part. Nonetheless and recognising the County Council's involvement in delivery of services generally and in some cases its primary role in securing or co-ordinating the delivery of specific services there would be merit in obtaining agreement to those relevant aspects of the STP, if possible, enabling progress to be made for those sectors.

The STP Team confirmed/re-affirmed, for the avoidance of doubt, that while reviews of acute services had recently commenced this was only the initial evidence gathering stage which would conclude in March and thereafter consideration could only then be given [having regard to the technical based evidence received] to formulating proposals [which would also subsequently need to be 'quality assured' by NHS England] for discussion first with this Scrutiny Committee after the County Council elections (possibly June 2017) and thereafter would then be subject to further public consultations before any final decisions could be made by the Clinical Commissioning Group.

The aforementioned representatives and the Chief Officer for Adult Care and Health (Devon County Council) responded to Members' questions relating to and including:

- re-iterating the assurance given by the New Devon CCG that after extensive consultation and engagement implementation of any change to community or acute services would follow strict quality assurance arrangements to ensure safe provision;
- the principle that resources arising from disposal of surplus NHS assets being used for local services;
- the need to better reflect in the STP geographical factors relating to access to services within wider Devon;
- emphasis within the STP to prevention and early intervention, and noting the challenges arising from the reduced Public Health budget;
- examples of current health and social integration partnership working by the NHS and County Council.

The Scrutiny Officer undertook to circulate to Members information relating to the role of the Clinical Senate in terms of independent quality assurance as a result of proposed changes to services; the 'Case for Change' report (which had been previously circulated); and actual numbers relating to community care staff turnover in the independent sector which compared favourably against local and national averages.

Having regard also to the representations referred to at Minute 38 above

Councillor Greenslade having first given notice of a Motion, which was duly seconded, to be considered at the meeting and thereafter subsequently having also indicated his willingness to accept subsequent amendment proposed by Councillors Wright it was then **MOVED** by Councillor Greenslade **SECONDED** by Councillor Westlake and

RESOLVED

(a) that the Report by the STP Team be noted;

(b) that the decision to call for a 'pause' in the work of the Success Regime/STP process taken by the County Council on an all-party basis be also noted and that the County Council continue to press for this to happen;

(c) that as long as the Success Regime /STP process continues the County Council continues to consider and scrutinise the work being done;

(d) that the Success Regime/STP organisation publish a clear Statement of its proposed next steps, including a timetable as soon as possible;

(e) that Devon MPs be lobbied to act upon the Notices of Motions passed by Devon County Council and urge them to tackle NHS England and Government to halt the Success Regime/STP process and press for fair funding for Devon;

(f) that Devon MPs be also urged to back all party calls for a holistic review of NHS/Social care funding processes;

(g) that NHS England representatives be invited to a further meeting of Health and Wellbeing and People's Scrutiny Committees with a view to seeking an undertaking that surplus assets would be given back to the community.

[NB: In accordance with Standing Order 32(4) Councillors Clarence, Greenslade, Gribble, Morse, Julian, Sellis, Westlake, Wragg and Wright voted for the Motion and Councillors Brook and Colthorpe voted against and Councillors Biederman, Channon, Dewhirst, Hannan, Hannaford, Hosking, Randall Johnson and Squires attending in accordance with Standing Order 25(2), also expressed their support for the recommendation now before the Committee and that their vote be recorded].

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

The Meeting started at 10.00 am and finished at 1.20 pm

HEALTH AND WELLBEING SCRUTINY COMMITTEE

19 January 2017

Present:-

Councillors R Westlake (Chairman), J Brook, C Clarence, P Colthorpe, P Diviani, 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 and A Davis

Apologies:-

Councillors A Boyd, C Chugg and R Gilbert

* **40** Minutes

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

* **41** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* **42** Public Participation: Representations

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Ms Hancox, Mr Wearne, Ms Pearson, Ms Baker, and Dr McElderry (Minute *45 refers) and Mrs Pritchett (Minute *46 refers) on matters to be considered by the Committee, namely the 'Your Future Care' and Torbay and South Devon: Community Services Reconfiguration on implications for local community 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.

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

Ms E Fitzsimmons representing the NEW Devon Clinical Commissioning Group (CCG) attended and spoke to this item at the invitation of the Committee.

The Committee considered the Report of the NEW Devon CCG on the operation of the new service model for NHS 111 and Out of Hours Care for Devon now known as the Integrated Urgent Care Services (IUCS) since going live in October 2016. The Report also covered patient and public involvement during the development and procurement process, implications of the changes, ongoing review, evaluation and the next steps.

Ms Fitzsimmons responded to Members' questions relating to:

- performance in terms of response rates, involvement of clinicians in the calls (taking more than 40% of calls) and the positive feedback received to date;
- the low use of locum doctors and comparative figures before and after the introduction of the service.

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

RESOLVED that the progress with the introduction of the new Integrated Urgent Care Services be noted and a further review and evaluation report be presented to the Committee in 12 Months' time.

* 44

Budget 2017/18

(Councillor Davis, Cabinet Member for Improving Health and Wellbeing, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee noted that in line with previous practice the proposed budget for the 2017/18 financial year would be scrutinised collectively with a joint meeting of Scrutiny Committees to be held on 30 January 2017 providing an opportunity for Members to comment on proposals for the Council's Budget in its entirety. This would follow the opportunity for individual Scrutiny Committees – as at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the joint meeting referred to above for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the Joint Report of the County Treasurer and Chief Officer for Communities, Public Health, Environment and Prosperity (CT/17/2) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and on the spending targets set by the Cabinet for all service areas, including inflation, commitment and service prioritisation reductions.

The Report contained the detailed budget proposals for all health and wellbeing services and in particular the proposed budget for Public Health - which would also be presented to Place Scrutiny Committee as part of that Committee's consideration of budgets for Communities, Public Health, Environment & Prosperity services generally - prepared in line with those targets, reflecting the different pressures and influences faced by services.

The proposed budget for Communities, Public Health, Environment & Prosperity of £35,203,000 incorporated inflation and commitments of £2,468,000 and required budget savings of £576,000. The ring fenced Public Health Services grant for 2017/18 was £28,238,000 being a shortfall of £714,000 (2.5%) over 2016/17. Future grant allocations were expected similarly to reduce by a further 2.6% year on year until 2020/21. This shortfall – which was for one year only - had been offset by an injection of funding from corporate resources because, in future years, changes would be made to contracted services to bring the budget back into balance. The shortfall had been a direct consequence of the removal of £1,600,000 from the ring-fenced reserve by the Department of Health.

Members noted that overall, service inflation and commitments for the Council for the year were estimated at £43,026,000 and that to manage those combined pressures and set a budget within Government provisional targets, total savings of £22,229,000 would need to be found in the 2017/18 budget. The announcement by Government on the final settlement and Council Tax Regulations was expected shortly.

The Chief Officer for Communities, Public Health, Environment and Prosperity commented on the likely implications of the 2017/18 target for individual areas of service noting that the overall approach remained one of striking a balance between financial realities and ensuring the delivery of essential services. In order to achieve a balanced budget against the future forecast of reduced funding, there were plans for all key service areas to be re-procured during 2017/18 including Sexual Health Services, the integrated Children's Service contract, Public Health Nursing Services, substance misuse services and domestic violence services to make these services as efficient as possible and sustainable within allocated grant. The

demand on sexual health services continued to grow and substance misuse was the second largest single area of spend against the grant. 2017/18 would also see the re-introduction of the universal NHS Healthcheck programme and approaches were currently being explored to help ensure the most efficient form of delivery.

Members noted also that, since the County Treasurer's Report had been published, confirmation had been received from the Devon Safer Partnership that funding for the Devon Rape Crisis and North Devon against Domestic Abuse would again be available in 2017/18 and that the draft budget now submitted would be updated accordingly.

The Committee were reminded that its consideration of the draft budget now before it was just part of the process of setting the County Council's budget which, following this meeting and the further joint scrutiny session on 30 January 2017 would culminate in the Cabinet on 10 February 2017 formulating budgets for consideration by the County Council on 16 February 2017.

The Report now before the Committee also referred to the Budget 2017/18 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/>), for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following, namely:

- that the proposed budget did not differ markedly from the previous years, there being no significant reductions or variations;
- the historical low level of funding for public health in Devon (the 6th lowest funded) and the adverse impact of any reduction thereto on the ability of the Council to deliver its statutory responsibilities;
- the importance of the need for early intervention and improved public education to prevent health problems developing in the future.

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

RESOLVED

(a) that the provisional financial settlement and its impact on spending targets and proposed budgets for 2017/18 be noted;

(b) that the draft Public Health Budget be noted and the issues and/or observations set out above be drawn to the attention of the Joint Budget meeting on 30 January 2017.

* 45

Your Future Care: Consultation and Next Steps

(Councillor Ball attended in accordance with Standing Order 25(2) and spoke to this item relating to the positive dialogue with the CCG following the last meeting of this Committee and issues relating to requests under Freedom of Information rules).

Dr T Burke, Mr R Sainsbury, Ms J McNeill and Mr N Pearson (NEW Devon Clinical Commissioning Group) 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 following a 13 week period of public consultation which had commenced on 7th October 2016 and which had now closed. The consultation had set out four options for the location of a reduced number of inpatient beds in community hospitals in Eastern Devon. These options were in the context of developing a model of care in the whole of Devon to consistently deliver three core service components to help people remain at home. The Report outlined the extensive consultation processes and responses and a detailed summary and the next steps.

Members were assured that, following the Decision Making Business Case and impact assessments, the CCG's Governing Body decision would be made no earlier than March 2017.

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

- careful consideration of all responses and the independent role of Health Watch Devon in the consultation and community engagement events and role of the local Public Engagement Committees;
- the relatively tight time scale for decision making with an assurance from the CCG that decisions would be made when the Decision Making Case was ready which was anticipated for March 2017 and that any delay would cause further uncertainty and anxiety;
- errors relating to post code information which had been quickly corrected by the CCG and that all Freedom of Information requests were being dealt with by the CCG's Consultation Response Unit and clarification from questioners sought as necessary;
- continuous analysis of impact assessments (which was part of the Decision Making Business Case);
- views of hospice care and the need to prioritise packages for 'end of life' care;
- the robust implementation process and checks to ensure a safe transition and reconfiguration of services.

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

RESOLVED that the NEW Devon CCG be requested to provide a further update to this Committee's March meeting.

* 46

Torbay and South Devon: Community Services Reconfiguration

Ms J Turner (Locality Manager) and Mr R Chalmers (Head of Communications and Strategic Engagement) South Devon and Torbay Clinical Commissioning Group (CCG), attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of the South Devon and Torbay Clinical Commissioning Group on the 12 week formal consultation and a feedback report independently produced by HealthWatch.

It was noted that the clinical basis for the proposals put forward by the CCG for consultation was supported by the independent South West Clinical Senate. The report also outlined alternative proposals put forward by the public and their evaluation by the CCG, and the timetable for decision to be followed by effective planning for reconfigured services. Proposals would be published shortly and be considered by the CCG's Governing Body at its meeting on 26 January 2017.

Members' comments and questions to the CCG representatives covered operating hours for the Minor Injuries Unit, disposal of surplus assets and capital receipts for community use and consultation meeting arrangements and other forms of feedback with on-line resources.

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

RESOLVED that this Report be noted and that the proposals and plans be reported to the March meeting of this Committee.

* **47** **NHS Property Services and Rental Charges in Devon.**

The Committee received a report from NHS Property Services in response to questions previously posed by Members, namely (i) how much was each individual community hospital being charged for rent by NHSPS and (ii) how much was the rental income for NHSPS nationally compared with the amount spent on maintenance?

The response received from NHS England was that:

“(i) Further to the information provided in July, market rent values for the individual hospitals remain commercial in confidence while lease negotiations are being concluded.

(ii) In 2016/17 our budgeted rental income is £408 million. This includes freehold and leasehold income. For leasehold properties, we normally hold a head lease on behalf of the NHS. The level of rent we have to pay our superior landlord is set out in the terms of this lease. We recover this cost by invoicing our customers for the same amount (plus a 5% management charge to cover our costs). Our customers' rents will be subject to the same review patterns as our head lease. In 2016/17, our budgeted spend on 'Hard Facilities Management' (normally referred to as 'Hard FM'), which is mainly for routine, small-scale maintenance, is £98 million. These are direct costs and do not include overheads such as the salaries of our FM teams. It is also important to note that the £98 million does not include the money spent on larger maintenance projects that become part of our Construction Project Management (sometimes known as 'Capital') programme. The forecast CPM spend for 2016/17 is £60 million and typically funds a range of projects from new roofs and boilers to refurbishments and new-builds.”

While noting that the Committee had no powers to compel NHS Property Service attendance regarding the transfer of 12 community hospitals to NHS Property Services (as part of NHS Northern, Eastern and Western Devon Clinical Commissioning Group plans to award its contract for community services to the Royal Devon and Exeter NHS Foundation Trust) Members asked that NHS Property Services should be invited again to the next meeting to answer members' questions.

The Chairman indicated that he would invite MPs to raise this matter in Parliament.

* **48** **Fair Funding in the NHS**

The Committee considered the report of the Task Group (CS/17/03) (comprising members of this Committee in collaboration with Corporate Services Scrutiny) on a review of the mechanics of the funding settlement that was given to Clinical Commissioning Groups in Devon each year by central Government to:

- clearly establish the principles upon which the local NHS is funded by central Government.
- come to a view on whether the principles that underpin the funding formula disproportionately disadvantage Devon and if Devon is comparably underfunded as a result.
- make representations to Central Government as appropriate to challenge the allocation of funds.

The Committee noted that Task Group members had recently met with Sarah Wollaston MP and the Report had been well received and could be used to support the case for fairer NHS and social care funding in Devon.

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

RESOLVED that the Cabinet and the NHS in Devon be requested to endorse the report and recommendation below:

(a) make representations to Central Government to review the way in which the NHS is funded (with copies to Devon's MPs); and

(b) that the Task Group request the opportunity to present this report in person, with the Cabinet Member, to the Secretary of State for Health in order to request that the criteria upon which the funding formula is based be amended to better reflect the needs of the population in Devon taking into account rurality, age of the population and a complete picture of the local health and social care cost.

* **49** **Quality and Performance in Community Services and Beyond**

The Committee considered the report of the Spotlight Review (CS/17/02) to identify and establish the principles of evaluating service change using quality metrics and data about community healthcare as presented by NHS providers; to a review how information was provided to committee to monitor quality; and agree how and on what basis quality measurements should be reported and presented to committee.

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

RESOLVED

(a) that the Scrutiny Protocol Rules be amended and the NHS in Devon be requested to endorse the report and recommendations below, namely:

(i) that all witnesses and presenters including Devon County Council and NHS to provide: clarity in communications from the NHS specifically: presentations to Scrutiny Committees to last no longer than 10 minutes; a limit on verbose reports and effective, short, data rich reports and Communications with everyone to be in plain English (no acronyms or assumptions made);

(ii) that Health and Wellbeing Scrutiny Committee to receive regular performance reports from providers co-ordinated by the relevant CCG - these reports to be based on a co-produced dashboard of indicators between Scrutiny Committees and the NHS Scrutiny Committee/CCGs/Providers;

(ii) that when substantial variation to services is planned the Health and Wellbeing Scrutiny Committee be notified using a pro-forma that has been agreed in advance by this Health and Wellbeing Scrutiny Committee and Clinical Commissioning Groups;

(b) that the Health and Wellbeing Scrutiny Committee receive a progress update in 3 - 6 months' time.

* **50** **Work Programme**

The Committee noted that the Work Programme had been or would be amended to include a further report on a Review of Performance; and Public Health Nursing procurement and other changes arising from this meeting.

[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]

* 51

Information Previously Circulated

The Committee received a list of information previously circulated for Members since the last meeting relating to topical Health and Wellbeing developments including matters which have been or were currently being considered by this Committee.

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

The Meeting started at 2.00 pm and finished at 4.50 pm

CORPORATE SERVICES SCRUTINY COMMITTEE

24 January 2017

Present:-

Councillors J Brazil (Chairman), K Ball, J Berry, P Colthorpe (Vice-Chair), M Edmunds, G Gribble, R Hosking, R Julian, J Knight, J Owen, R Rowe, R Younger-Ross and J Yabsley

Members attending in accordance with Standing Order 25

Councillors Barker, Clatworthy and Parsons.

* 29

Minutes

RESOLVED that the minutes of the meeting held on 28 November 2016 be signed as a correct record.

* 30

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 31

Public Participation

There were no oral representations from Members of the Public.

* 32

Budget 2017/18

The Committee noted that, in line with previous practice, the proposed budget for the 2017/18 financial year would be scrutinised collectively, with a joint meeting of Scrutiny Committees to be held on 30 January 2017, providing an opportunity for Members to comment on proposals for the Council's Budget in its entirety.

This would follow the opportunity for individual Scrutiny Committees – as at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the joint meeting referred to above for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the joint report of the County Treasurer and the Chief Executive (CT/17/5) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for Corporate Services which included inflation, commitment and service prioritisation reductions.

The Report also contained the detailed budget proposals for Corporate Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Corporate Services base budget was £33,352,000 (a reduction of 0.3% from 2016/17), and included inflation and pressures of £2,283,000 and required savings and income initiatives of £2,397,000.

The announcement by Government on the final settlement had been made on 15 December 2016. Government core funding would reduce from £151,600,000 for 2016/2017 to £128,300,000 in 2017/18, a significant reduction at a time of huge pressure, particularly, in social care services. The announcement by Government of the final settlement and Council Tax Regulations was expected shortly.

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The proposed budget of £459,585,000 for the Council as a whole included funding, overall, of service inflation and commitments estimated at £43,026,000. To manage those combined pressures and set a budget within Government provisional targets, total savings of £22,229,000 would need to be found in the 2017/18 budget.

The Committee were reminded that its consideration of the draft Corporate Services budget was just part of the process of setting the County Council's budget which, following this meeting and the further joint scrutiny session on 30 January 2017 would culminate in the Cabinet on 10 February 2017 formulating a budget for consideration by the County Council on 16 February 2017.

The Chief Executive, in commenting on behalf of Chief Officers on the likely implications of the 2017/18 target for individual service areas, confirmed that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands. In order to deliver budget targets in Corporate Services significant budget reductions were required in respect of staffing, restructuring of services, revised management structures and fundamental operational changes. This included cross-cutting strategies, increasing property rationalisation, contractual savings, improved energy efficiency, new delivery models and an increasing use of partnership arrangements and joint venture arrangements. Against that background of transformational change, the challenge of delivering considerable budget reductions whilst meeting increased operational demands was not insignificant.

The Chief Executive confirmed also, as reported to the Health & Wellbeing Scrutiny Committee, that the ring fenced Public Health Services grant for 2017/18 had been £28,238,000 and that by virtue of a late decision by Government this had represented a shortfall of £714,000 (2.5%). Consequently, and as a result of contractual arrangements already entered into, that 'shortfall' had been offset by an injection of funding from corporate resources for this year only: in future years changes would be made to contracted services to bring the budget back into balance. Members noted also the assurances that, since the County Treasurer's Report had been published, confirmation had been received from the Devon Safer Partnership that funding for the Devon Rape Crisis and North Devon against Domestic Abuse would again be available in 2017/18 and that the draft budgets now being considered would be updated accordingly.

The Report now before the Committee also referred to the Budget 2017/18 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/>), for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following:

in relation to Corporate Services:

- acknowledging, firstly, the inherent risks associated with Corporate Services target budgets which were necessarily predicated, at a time of increasing demands, on the needs of front line services and the levels of corporate support required and,

secondly, re-affirmation of the assurances given previously over the capacity of the support envisaged through and adequacy of the proposed budgets;

- recognition that a number of reductions were also predicated upon changes to the costs of democracy arising from the introduction of new electoral arrangements for the County Council at the next quadrennial elections and any resulting reviews of democratic structures and support;

generally:

- while acknowledging the success of the County Council in attracting and/or drawing down Government grants to improve the highway network, the continuing pressures on maintenance of the highway network (utilising both revenue and capital budgets) remained a cause for concern, particularly in the more rural parts of the County;
- that, as previously indicated at both the Cabinet and People's Scrutiny Committee, the significant cost pressures relating to the High Needs Service were largely due to increased demand where the cost of educating pupils with complex educational and physical needs could be significant and volatile and that whilst additional funding had been made available within the proposed budget, management action was still needed locally to address the problems with the national issues around the Dedicated Schools Grant: this to include increasing capacity in maintained special schools and disinvesting from the more expensive independent sector;
- that the Cabinet and Council should continue to press Government for a fairer funding allocation for schools in Devon to bring expenditure per pupil closer to the national average.

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

RESOLVED that the provisional financial settlement and its impact on spending targets and on the proposed Corporate Services budget for 2017/18 and the issues and/or observations set out above be drawn to the attention of the Joint Budget meeting on 30 January 2017.

* 33

Treasury Management Strategy 2017/2018

The Committee considered the Report of the County Treasurer (CT/17/08) on the proposed Treasury Management and Investment Strategy for the 2017/18 financial year, prepared in accordance with the revised CIPFA Code of Practice for Treasury Management in the Public Services, adopted by the Council in February 2016, to be submitted to the Cabinet and the County Council for ratification following consideration by this Committee.

The Strategy, set out in full at Appendix 1 to the Report, set out the policies and plans to be adhered to in the coming year, dealing with such matters as the Minimum Revenue Provision (MRP) policy, capital expenditure funding, prudential indicators, the current treasury position, debt and investments; prospects for interest rates; the borrowing strategy; and the investment strategy.

Members noted that the MRP policy had not been changed from that adopted for 2016/17. In addition (and since 2009), the Council had followed a policy of containing the capital programme, with no new external borrowing and repaying debt whenever possible (without financial penalty).

The reduction in the base rate from 0.5% to 0.25%, meant the target return for deposits with banks / building societies was reduced from 0.65% to 0.40%, reflecting the current low interest rates on offer from the Council's counterparties, therefore the target rate for the CCLA Property Fund remained at 4.50%.

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Members discussed and asked questions on the Councils view of the impact of Brexit, clarification on the investment limits and caps of the CCLA Property Fund and how other Local Authorities managed any such like fund, the flexibility within funds that allowed the Council to move investments and whether PFI schemes were included with debt figures and the need for robust contractual arrangements.

Officers would also check the figures outlined in the 2017/2018 column of tables 1,2 and 3, which appeared slightly out of kilter (thought to be due to the rounding up and down of figures).

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

RESOLVED that the Treasury Management Strategy 2017/18 be endorsed and commended to the Cabinet and County Council.

* 34 Risk Management

(Councillor Barker attended under Standing Order 25(1) and spoke to this item at the invitation of the Committee)

The Committee considered the Report of the County Solicitor (CS/17/8), which highlighted how Members had previously agreed to use the Risk Register to focus their work programme activities. Risk Management enabled the efficient use and allocation of resources, more informed, transparent and accountable decision-making and allowed the Council to focus on its most critical areas.

On 28 November 2016, Members discussed how to ensure that the scrutiny of the Council's Corporate Risk Register was robust and valuable, highlighting the value of questioning Risk Owners on how a particular risk was managed and mitigated against.

The Corporate Risk Register had been circulated to the Committee, in advance of the meeting, to allow Members the opportunity to request further information on a particular risk, and/or the attendance of a particular Risk Owner.

There were 26 risks on the Corporate Risk Register, with 17 risks that were scored as Very High meaning they were both likely to happen and would have a significant impact if they did.

Members had identified two areas they wished to explore further which included workforce and succession planning and the current projected overspend in Adults Services.

The Head of Organisational Development responded to the first identified risk, answering questions on the new officer structure of the Council and the refresh of the risk register, how the Council supported those officers whose roles carried a big responsibility in terms of high risks, the current figures in relation to sick leave, particularly stress related illnesses and the new HR dashboard which contained such data and was publically available on the web. The Head of Service undertook to provide the link to members.

The Chief Officer for Adult Care and Health, the Head of Adult Commissioning and Health and the Cabinet Member for Adult Social Care attended the meeting and responded to questions on the projected overspend in Adults Services including the cost of care, promotion of the independence agenda, the importance of re-ablement services and the role of the wider community, including volunteering and local clubs and groups, how the Council would balance its books by the year end and whether there were any plans for a referendum for larger Council tax increases (e.g.Surrey), the difficulties in managing a demand led service and that Councillors should be reassured on market sufficiency issues.

RESOLVED that the Scrutiny Chairs and Vice Chairs discuss how the Risk Register be most appropriately considered and reviewed by Scrutiny Committees.

* **35** **Devon Youth Service**

(Councillor Parsons attended under Standing Order 25(1) and spoke to this item at the invitation of the Committee)

The Committee received the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity (SC/17/1) on progress with Youth Service Externalisation, presented by the Head of the Youth Service.

The report highlighted the background to the competitive procurement exercise, which resulted in the youth service being divested to DYS Space Ltd, a social enterprise, with a contract value of £5.25million over its three year term. The service would be provided from 1 February 2017.

Members noted the statutory obligations of the Council for youth work activities, therefore it retained responsibility for the Youth Service, but commissioned DYS Space Ltd to deliver it. DYS Space Ltd would work collaboratively with partners to ensure that young people aged between 13 and 19 received any support and advice needed to reach individual goals and lead healthy, happy and fulfilling lives into adulthood.

The scope of the Youth Service for Devon included the provision of an open access youth service for young people at eight youth and community centres, targeted youth work as part of the Devon Early Help strategy, advice, guidance and support to voluntary and community groups, alternative provision for secondary school pupils who had various behavioural problems or emotional / social needs, Duke of Edinburgh Award Scheme programmes and youth provision at Cranbrook.

The report outlined the five outcomes for the Youth Service for Devon and also the key role that DYS Space Ltd would have in relation to safeguarding. In addition, a number of key performance indicators which would be used to assess the quality of the service were outlined.

The Head of the Youth Service (to become the Chief Executive of DYS Space from 1 February 2017, to trade as 'Space') advised Members that they would be looking to deliver beyond the contract specifications including joined up working with libraries, developing volunteering schemes, opportunities for inter-generational work and also a strong use of the local labour market.

Members asked questions on and discussed how Space might provide non-targeted work, the opportunities for locally run youth organisations to bid for money from Space, the importance of apprenticeships and helping young people achieve their full potential in life.

They further noted that Devon were only one of 5 Council's in the country, and the only County Council to set up a staff mutual for the Youth Service.

Members wished Space every success in their future running of the Youth Service.

* **36** **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.

RESOLVED that the work programme be agreed, subject to the deletion of the Domestic Violence and Abuse Strategy and the addition of Councillor Greenslade's Notice of Motion on "triple lock" for state pensions beyond 2020, particularly focusing on the economic impacts.

Agenda Item 14h

CORPORATE SERVICES SCRUTINY COMMITTEE
24/01/17

* 37 **Briefing Papers, Updates & Matters for Information**

There had been no items circulated since the last meeting.

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

The Meeting started at 10.00 am and finished at 12.45 pm