

*County Council  
Thursday, 7th December, 2017*

## **NOTES FOR VISITORS**

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

**SatNav** – Postcode EX2 4QD

### Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

### Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

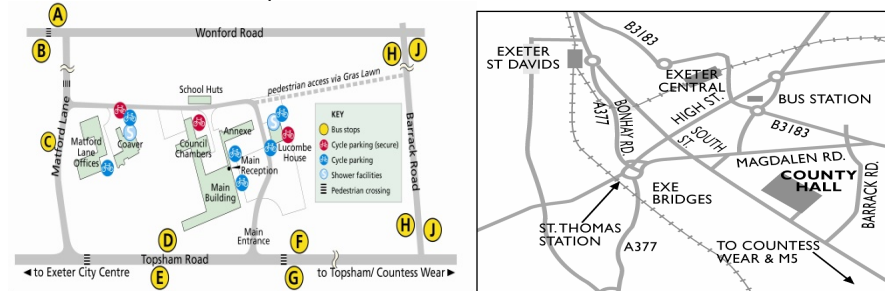
### Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

### Car Parking and Security

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB **A** **J** Denotes bus stops

### Fire/Emergency Instructions

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

### First Aid

Contact Main Reception (extension 2504) for a trained first aider.



**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

29 November 2017

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 7th December, 2017 at 2.15 pm.**

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

Chief Executive

[Prayers will be offered by Mr David Sprague at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

**AGENDA**

**1 Apologies for Absence**

**2 Minutes (Pages 1 - 10)**

To approve as a correct record and sign the minutes of the meeting held on 5 October 2017.

**3 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 Heart of the South West: Approval to form a Joint Committee (Minute 157/10 December 2015) (Pages 11 - 34)**

To receive and approve the Report of the Chief Executive (CX/17/26), attached, together with the Minutes of the Cabinet held on 8 November 2017 (Minute 77, replicated below), relating to the proposals for a Heart of the South West Joint Committee.

The Cabinet **RESOLVED** (Minute 77) that Council be recommended to;

*(a) approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;*

*(b) approve the Arrangements and Inter-Authority Agreement documents as set out in appendices A and B for the establishment of the Joint Committee with the commencement date of 22 January 2018;*

*(c) appoint the Leader and Cabinet Member for Economy and Skills as the Council's named representative and substitute named representative on the Joint Committee;*

*(d) appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22 January 2018;*

*(e) approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;*

*(f) approve an initial contribution of £10,500 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;*

*(g) agree that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);*

*(h) authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy;*

*(i) agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the report.*

### **OTHER MATTERS**

## **9 Cabinet Member Reports**

To consider reports from Cabinet Members.

## 10 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Development Management Committee - 25 October 2017 (Pages 35 - 38)
- b Appeals Committee - 6 November 2017 (Pages 39 - 40)
- c Public Rights of Way Committee - 9 November 2017 (Pages 41 - 44)
- d Standards Committee - 13 November 2017 (Pages 45 - 50)
- e Investment and Pension Fund Committee - 17 November 2017 (Pages 51 - 54)
- f Audit Committee - 22 November 2017 (Pages 55 - 56)
- g Children's Scrutiny Committee - 16 November 2017 (Pages 57 - 60)
- h Health and Adult Care Scrutiny Committee - 21 November 2017 (Pages 61 - 66)
- i Corporate Infrastructure & Regulatory Services Scrutiny Committee - 28 November 2017

These minutes will be available [here](#) shortly and a hard copy will be made available at the meeting.

## NOTICES OF MOTION

### 11 Plastic Free Coastlines (Minute 44 - 5th October 2017)

To receive and consider the recommendations of the Cabinet (Minute 81(a)) of 8 November 2017 (as an amendment) to the following Notice of Motion submitted previously to the Council by Councillor Biederman and referred thereto in accordance with Standing Order 8(2), namely:

*This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.*

*The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.*

*A representative of this Council will become a member of the Plastic Free Coastlines Steering group'.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/17/30 and other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved to:

- i) support the spirit of the Notice of Motion, which aims to provide leadership in avoiding single-use plastic items in order to achieve a 'Plastic Free Coastline'; and
- ii) commit to addressing this issue further through this Authority's environmental performance agenda, including a review of single-use plastic items and how suitable alternatives to these might continue to be adopted.

**12 National Funding Formula for Schools (Minute 46 - 5th October 2017)**

To receive and consider the recommendations of the Cabinet (Minute 81(b)) of 8 November 2017 as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Greenslade and referred thereto in accordance with Standing Order 8(2), namely:

*County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon Schoolchildren with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.*

*These concerns be communicated on an all party basis to the Government and all Devon MP's'.*

Having had regard to the aforementioned and the factual briefing/position statement on the matter, set out in Report CSO/17/30, and other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved;

*that the sentiment of the Notice of Motion was welcomed and Council shared the concerns expressed regarding fairer funding for schools. Therefore, Council be recommended to continue the campaign for fair and adequate funding for all Devon children (including school funding, high needs funding for those with SEN and additional needs and early years pupils) and support the following actions:*

*i) that work continues with F40 and the offer to take a more substantial role within the F40;*

*ii) that Council notes the briefing that has been sent out to MPs outlining funding concerns for Devon Schools, early years and high needs funding and also welcomes the request for their support; and*

*iii) that work continues with both schools and SEN groups.*

*And, in light of the above and the action already undertaken, no additional action be taken.*

**13 Ethical Care Council (Minute 47 - 5 October 2017)**

To receive and consider the recommendations of the Cabinet (Minute 81(c)), from 8 November 2017, as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely;

*'This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.'*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/17/30 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

*'that the Council notes the requirements of the Charter and recommends officers work with its contracted providers to work towards its adoption having due regard to affordability, market sufficiency and quality of commissioned care'.*

**14 20 MPH Speed Limits (Minute 48 - 5 October 2017)**

To receive and consider the recommendations of the Cabinet (Minute 81(d)), of 8 November 2017, as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely;

*'With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads'.*

Having had regard to the aforementioned, the factual briefing/position statement on the matter, set out in Report CSO/17/30 and the other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved:

*'that the Council be advised that a blanket call for Town and Parish Councils to propose 20mph speed limits would be premature at this stage given there is a commitment to reviewing the current policy'.*

**15 Southwestern Railways Consultation - New Timetables**

Councillor Shaw to move:

*'This County Council opposes the proposal of Southwestern Railways, in new timetables for the Exeter St. Davids-London Waterloo line which are currently under consultation, that trains no longer stop at Clapham Junction. The Council believes that connections at Clapham Junction are essential for travellers from Devon to many London and other destinations, and asks Southwestern Railways to restore this stop for all trains on this route.'*

**16 EU Law - Animal Sentience**

Councillor Wright to move:

*'This Council is disappointed that the Government voted to omit an important clause in EU law relating to animal sentience, as part of the Withdrawal Bill.*

*This Council is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law.*

*However, this Council backs calls from the British Veterinary Association to commit to an appropriate timeframe to reinstate the vital obligation in EU law in Article 13, on the STATE being responsible for animal welfare, in addition to UK law, which states that only the KEEPER of the animal is responsible'.*

**17 Pension Funds and Fossil Fuel Companies**

Councillor Hodgson to move:

*'In line with its recently affirmed commitment to mitigating climate change, this Council will divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step'.*

**18 Post-Brexit Arrangements - Membership of the European Single Market and Customs Union**

Councillor Shaw to move:

*'This County Council respects the majority vote in the County to support leaving the European Union, but believes that the UK must secure post-Brexit arrangements which best support the economic and social wellbeing of Devon and the country as a whole. The Council therefore urges the Government to negotiate continued membership of the European Single Market and Customs Union, both of which bring considerable benefits to Devon'.*



## 19 Council Budgets - Vulnerable Young and Elderly Residents

Councillor Biederman to move:

*'Devon County Council was very disappointed to see there was no help, to this council in the autumn statement with regard to Children's Services & Social Care. Children's Services budgets are overspent here and in 75% councils across the country, with a £2 billion shortfall in council budgets. If we are to deliver safe and effective services for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.*

*We write a cross party letter, to Devon MP's and the Minister signed by all group leaders expressing our concerns and urging Devon MP's and the Government to address this growing problem for our most vulnerable young and elderly residents'.*

*Minutes of the Cabinet, Health & Wellbeing Board and Devon Pension Board do not form part of this agenda but can be accessed as follows*

*Cabinet-*<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>

*Health & Wellbeing Board-*

<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

*Devon Pension Board-*<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=185&Year=0>

### **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 links are provided 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 and can be accessed via the Modern.Gov App, available from all the usual stores.

### **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 takes place.

### **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 takes place

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 4 working days 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 Chair. 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 Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

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

### **Emergencies**

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

### **Mobile Phones**

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

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



Induction loop system available

