

*County Council
Thursday, 7th December, 2017*

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

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Access to County Hall and Public Transport Links

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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).

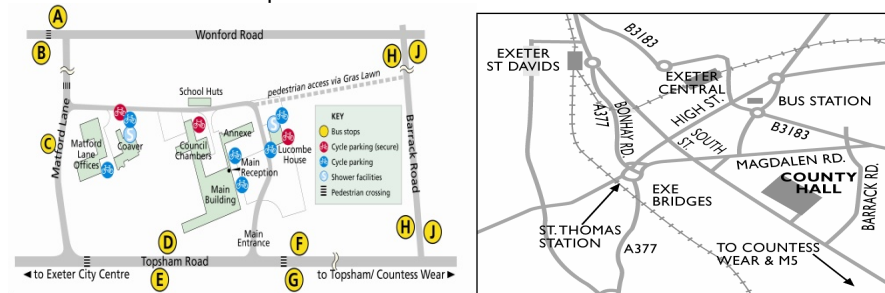
Car Sharing

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   Denotes bus stops

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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.

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].

A G E N D A

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.

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

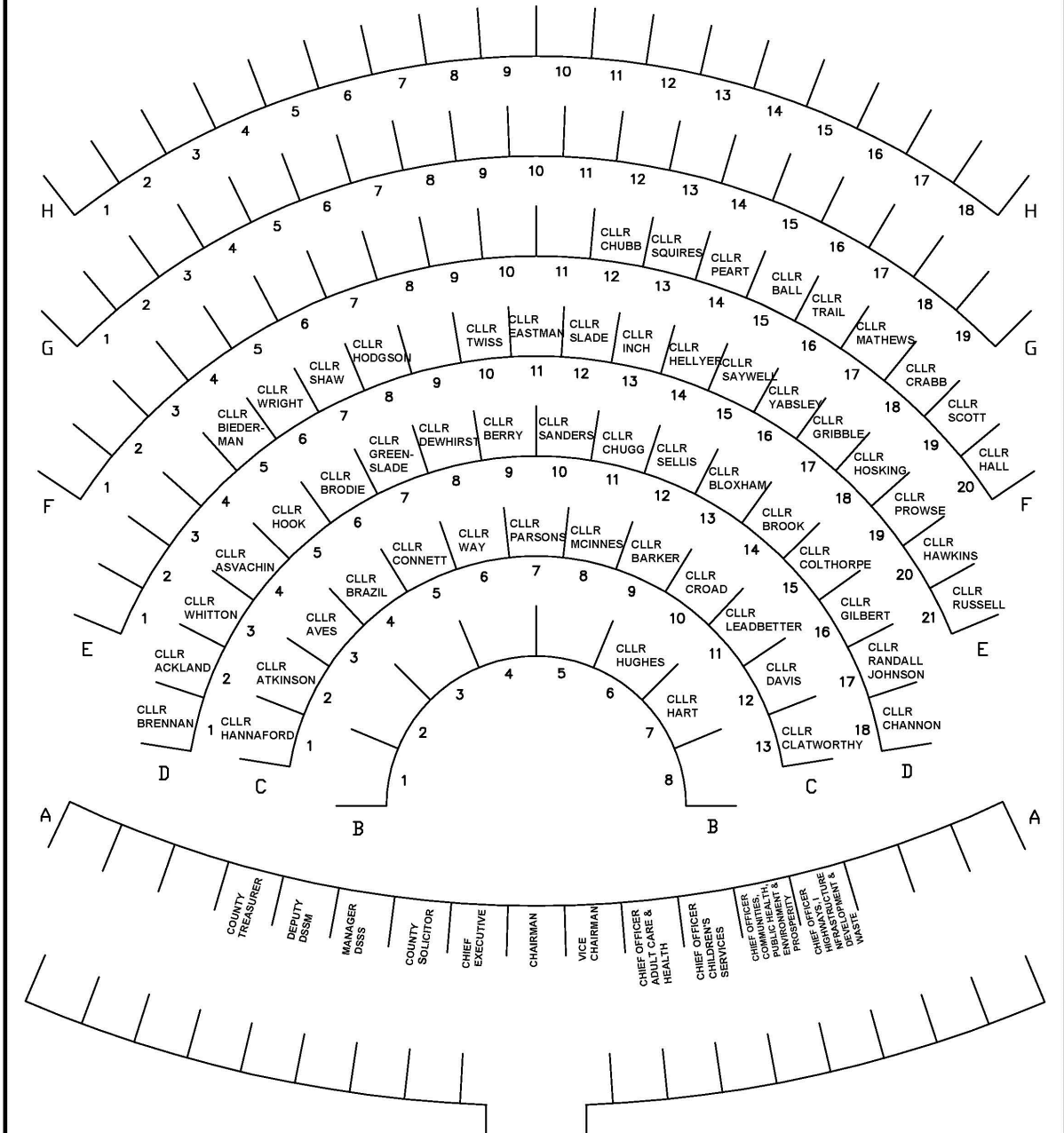
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Induction loop system available

Council Chamber Seating

MAY 2017



COUNCIL

5 October 2017

Present:-

Chair: R Radford

Vice-Chair: R Edgell

Councillors M Asvachin, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Brodie, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, A Dewhirst, A Eastman, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors H Ackland and Y Atkinson

32 Honorary Alderman - Ceremony of Conferment

Pursuant to the decision taken at the Extraordinary Meeting of the Council held on 25 May 2017 to confer the title of Honorary Alderman upon former Councillor B Hughes OBE, the Chairman presented to him a Pendant of Office and Commemorative Scroll.

The Leader of the Council, Councillor Hart spoke regarding his nomination of former Councillor B Hughes OBE for Honorary Alderman commending the eminent service he had given to the Council; remarks echoed by a number of other members of the Council. The newly appointed Honorary Alderman responded.

33 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 20 July 2017 be signed as a correct record.

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

34 Announcements

The Chair reported on the passing of Eleanor Cohen, who had represented the Plymouth St Peter Division on the former County Council, between 1989 and 1997, having been unwell for some time and also of Dennis Dicker, who represented the Plymouth Plymstock Dunstone Division on the former County Council between 1977 and 1985 and then again between 1989 and 1997.

The Council also received the excellent news that Andrew White (son of Richard White from the Council's Commissioning team) had been successful at the Invictus Games in Toronto, with a silver medal in the Time Trial and Gold in the Criterium and was the Invictus Games Cycling Champion 2017. The Council congratulated Andrew and all those who participated in the Invictus games.

The Chair also formally recorded his thanks to Colin Davis, who had acted, primarily, as Chauffeur to the Chair of the Council for a number of years, with 41 years service in Local Government, with 32 of those at Devon County Council.

The Leader presented Colin with a certificate of appreciation.

Agenda Item 2

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COUNCIL
5/10/17

35 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

36 Public Participation: Petitions, Questions and Representations

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on free school meals and school holidays.

The Cabinet Member also responded orally to the supplementary question arising from the above.

[NB: A copy 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/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

37 Petitions from Members of the Council

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

38 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 10 questions submitted by Members of the Council relating to dispensation permits, county hall barriers and relevant traffic orders, Recruitment of EU Citizens to health, social care and education, social workers survey and reduced care packages, private finance initiative contracts, devolution, pay & display parking tickets, compliance with policy in relation to school uniforms and traffic calming at St Georges Road, Barnstaple.

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

[NB: See also responses to Questions referred to at Minute 36 above. 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]

39 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) Community, Public Health, Transportation and Environment

Councillor Croad circulated a report, as requested by Councillor Hannaford, on the HIV Support Services provided by The Eddystone Trust and also responded to questions on prevention and relevant preventative services.

(b) Children's Services and Schools

Councillor McInnes circulated a report on the Corporate Parenting Board Summer Walkabout. Following a refreshed approach to the Board's work, the new model included some 'out and

about' activity, and this walkabout was a fact finding mission, opening a window into the system which had brought into sharper relief the issues and concerns of the frontline.

He also responded to questions on the numbers of social workers and turnover rates, the role of personal advisers, caseloads, progress with co-location, the importance of adequate support to assist with transitions from care and opportunities for other Members to be involved in future like events.

(c) Organisational Development and Digital Transformation

Councillor Parsons commented, as requested by Councillor Dewhirst, on leadership in diversity and equality, including the importance of appropriate language in maintaining and increasing confidence within communities. He further reported, as requested by Councillor Aves, on the Council's continued support for Fairtrade so that the alternatives (e.g. Fairly Traded) would not weaken the good work done by Fairtrade respectively.

40 Minutes

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

| | | |
|---------------------------------------|---|-------------------------------|
| Standards Committee | - | 29 August 2017 |
| Appeals Committee | - | 4 September 2017 |
| Development Management Committee | - | 6 September 2017 |
| Procedures Committee | - | 13 September 2017 |
| Audit Committee | - | 14 September 2017 |
| Investment & Pension Fund Committee | - | 15 September 2017 |
| Appointments & Remuneration Committee | - | 27 September 2017 |
| Health & Adult Care Scrutiny | - | 26 July and 21 September 2017 |
| Children's Scrutiny | - | 11 September 2017 |
| Corporate Infrastructure & Regulatory | - | 26 September 2017 |
| Services Scrutiny | | |

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

41 Schools Funding - Outturn Surplus and Re-allocation of Funds (Minute 30 - 20 July 2017)

Pursuant to County Council Minute 30 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15,299 m with no spending being made against the reserves for budget management, business rates risk, emergency, and on street parking in 2016/17.

Accordingly County Council agrees to compensate all school budgets, which had suffered a £33 per pupil cut in 2017/18, by the equivalent of the loss in their budgets consequent upon this decision taken in setting the County Council's budget for 2017/18.

The cost of this action, approx £2.2m, be met from the earmarked reserve for budget management.

(2) that the County Council organises a round table at which representatives of the Devon schools community debate with all the MP's representing new Devon the issue of future school funding including a revised schools funding formula.'

Agenda Item 2

4
COUNCIL
5/10/17

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55a of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

the Cabinet's advice be accepted and that that in light of the actions already undertaken and taken by Cabinet Members, Officers and the wider education community to secure fairer funding for schools, outlined in Report CSO/17/24, the County Council be recommended to take no further action on the Notice of Motion; and that the Council continue to work with the f40 Group (which represents the lowest funded local authorities) to secure fairer funding for education.

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

Councillor Greenslade then **MOVED** and Councillor Biederman **SECONDED** that

'the Cabinet recommendation be deleted and amended by the substitution of the original notice of motion'.

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the amendment in the name of Councillor Greenslade shall be by a roll call vote.

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

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

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Greenslade's amendment be recorded).

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

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for against Councillor Harts motion be recorded).

42

Police & Crime Commissioner (Minute 31 - 20 July 2017)

Pursuant to County Council Minute 31 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

'Devon County Council is extremely alarmed at the proposal by the Police and Crime Commissioner, Alison Hernandez, to drastically reduce the number of PCSOs, the eyes and ears of the force. At a recent consultation by South Devon and Dartmoor Community Safety Partnership, Neighbourhood Watch Co-ordinators, Parish, Town and Borough Councillors, District Councillors and County Councillors described the proposed changes as "dangerous". Members are hearing reports from constituents of massive increases in low-level crime in our towns, villages and rural areas.

Additionally there is a general concern that the Police and Crime Commissioner is unfit and unsuitable for her job after making tactless comments about being "really interested" in licensed firearm owners being allowed to act during terrorist incidents. We endorse Deputy Chief Constable Paul Netherton's view that "Under no circumstances would we want members of the public to arm themselves with firearms".

This Council believes that the Police and Crime Commissioner is wrong to propose reductions in Neighbourhood Policing, that proposals to utilise domestically owned firearms is a crass and inadequate response to mounting concerns about police cuts and that her proposal to appoint a Deputy Police and Crime Commissioner is an appointment that is just not needed in these cash-strapped times.

We therefore request the Chief Executive to contact the Home Secretary requesting she use whatever powers may be available to remove Ms Hernandez from office allowing Devon and Cornwall Police to continue the fight against crime at all levels and that Members of Devon County Council show their lack of support for the Police and Crime Commissioner by voting "No Confidence" in her office'.

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55b of 13 September 2017:

Councillor Hart **MOVED** and Councillor Croad **SECONDED** that the Cabinet's advice be accepted and that;

no further action be taken on the Notice of Motion, acknowledging the Chief Constable and the Police and Crime Commissioner are aware that the Neighbouring Policing Review outlined in Report CS/17/24 has created uncertainty within local communities the Chief Officer for Community, Public Health, Environment & Prosperity be asked to liaise with the Police and Crime Commissioner to ensure that - as the review is taken forward - there is an opportunity for communities to contribute effectively to the review and that County Councillors are kept Member informed of developments relating to their electoral divisions. Furthermore, the view of the Deputy Chief Constable be endorsed in that allowing licensed firearms owners to act during terrorist incidents would be wholly inappropriate.

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

43

Paris Accord on Climate Change (Minute 29 - 20 July 2017)

Pursuant to County Council Minute 29 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hook that:

"The people of Devon, along with vast numbers of people around the globe, were dismayed at the pronouncement from President Trump that he was pulling America out of the Paris Accord on Climate Change. This is a move that will impact negatively on all residents of this planet and is a step back in time. Climate Change is the single biggest threat to mankind, and the policies now to be followed by President Trump will cause it to accelerate. His policies will also undermine the health of the planet and the people who are sustained by the planet. Pollution of water and air are already killing hundreds of thousands prematurely.

This Council condemns President Trump for the action he has taken and will join with others from around the world in conveying to him this error of judgement on his part and request an early reconsideration and reversal of this decision."

and having had regard to the advice of the Cabinet (the amendment) as set out in Minute 55c of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

the Cabinet's advice be accepted and that the sentiment of the Notice of Motion be approved and the Council recognise that the decision of POTUS is regrettable and, potentially, de-stabilising and damaging to global efforts to tackle climate change through a reduction in greenhouse gas emissions. This Council therefore reaffirms its

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commitment to the implementation of its Energy Policy, Strategy and Action Plan as the most effective response to this situation and, consequently takes no further action on the Notice of Motion.

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

44 Plastic Free Coastlines

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

'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'.

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

45 Health and Adult Care Scrutiny - Community Role and Safeguarding Future Buildings and Place Based Health Services

The Chair of the Council **MOVED** and the Vice-Chair **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 Shaw then **MOVED** and Councillor Wright **SECONDED**

The County Council regrets the failure of the Health and Adult Care Scrutiny Committee on 25 July 2017 to be seen to scrutinise the decision of NEW Devon Clinical Commissioning Group to close community hospital beds in Honiton, Okehampton, Seaton and Whipton, especially in the light of the subsequent urgent recommendation by the head of the NHS in England, Simon Stevens, which is supported by evidence from the Royal College of Emergency Medicine and the King's Fund, that more beds need be made available for the coming winter.

Noting also the Standards Committee's conclusion that events at the Scrutiny Committee meeting 'may not reflect well on individual members of the Council or upon the Council as a whole', its recommendations for the Committee's Chair and its general recommendations to both members and chairs of Scrutiny Committees, the County Council therefore;

1. requests the Health and Adult Care Scrutiny Committee to scrutinise those issues identified by the County Solicitor in her paper for 25 July which were not directly and fully addressed at the Scrutiny Committee in that meeting;

2. consistent with the Council's 'community champion' role, alerts the Secretary of State to the strength of feeling in the locality at the overall STP process throughout the County and the significant numbers of objections made by the public to the CCG's proposals and that in the interests of democracy and democratic accountability he might wish to satisfy himself that all relevant process were properly undertaken and assessed and that the CCGs subsequent decisions are supported by the evidence; and

3. welcomes the agreement of the Health and Adult Care Scrutiny Committee to examine, subject to the advice of the County Solicitor, means of safeguarding community hospital buildings throughout Devon as facilities for the provision of place-based health services.

Councillor Hart then **MOVED** and Councillor Twiss **SECONDED** that the Motion be amended by the insertion of words and deletion of words as detailed below and the subsequent renumbering of paragraphs 1 – 3 (italics denoting additional text).

That the County Council notes that the Health and Adult Care Scrutiny Committee held on the 25th of July 2017, within its clearly defined role as a 'critical friend', has extensively considered the issues and concerns from members of the public, elected members and others, including medical professionals, all matters relating to the closure of some community hospital beds in Honiton, Okehampton, Seaton and Whipton.

The Council recognises, and fully welcomes the cross-party and Independent persons standards committee report, which concluded unanimously that there was no breach in the members code of conduct.

- 1. The County Council therefore, consistent with the councils 'community champion' role, sends a letter to the Secretary of State for Health, (together with copies to all Devon M.P.s), seeking reassurance that appropriate funding is provided by government to deliver the necessary health and social care services in Devon, recognising that this must be within a clear and proven, evidence based and tested Sustainable Transformation Plan, and due regard is taken that many parts of Devon are 'truly rural', with an ageing population needing more services, more often and sometimes for longer.*
- 2. That the County Council also welcomes the resolution of the health and adult care scrutiny committee, held on the 21st of September 2017, that advice be sought in terms of the legal position, in securing the interest of buildings, contributions or legacies left to community groups, and other benefactors.*

Councillor Twiss **MOVED** and Councillor Hart **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Hart shall be by a roll call vote.

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

The Amendment was then put to the vote and there being:

For the amendment - Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chubb, Chugg, Clatworthy, Colthorpe, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Randall-Johnson, Radford, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley (Total 40);

Against the amendment - Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hall, Hannaford, Hodgson, Shaw, Way, Whitton and Wright (Total: 16);

The Amendment in the name of Hart was declared **CARRIED**.

Councillor Wright then **MOVED** and Councillor Hodgson **SECONDED** that the Motion be amended by the insertion of words and deletion of words as follows;

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Deletion of the words 'seeking reassurance' in paragraph 1 and then the addition of the words '*requesting a review by the independent reconfiguration panel of the evidence and process associated with the bed closures at Seaton, Whipton, Honiton and Okehampton hospitals. Also,* (and then the continuation of paragraph 1)

Councillor Biederman **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Wright shall be by a roll call vote.

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

The Amendment in the name of Councillor Wright was put to the vote and declared **LOST**.

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

46 National Funding Formula for Schools

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

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.

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

47 Ethical Care Council

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED** that:

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.

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

48 20 MPH Speed Limits

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED** that:

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.

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 Mr Coren.

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 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 5.45 pm

CX/17/26

Cabinet
8 November 2017

Council
7 December 2017

Heart of the South West Joint Committee

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) 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 set out in appendices A and B for the establishment of the Joint Committee with the commencement date of 22 January 2018;
- d) Appoint Leader and Cabinet Member for Economy and Skills as the Council's named representative and substitute named representative on the Joint Committee;
- c) 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.

1. Introduction

1.1 Since August 2015, 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 have worked in partnership to progress towards securing a devolution deal for the HotSW area focusing on delivering improved productivity. Since that time the partnership has continued to progress its objectives in spite of policy shifts at a national level.

1.2 On 16 February 2017 (Minute 86 refers) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint

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Committee. This report sets out the necessary documents which, if agreed, will enable the Joint Committee to be formally established.

1.3 On the 13th October representatives of HotSW (from the Somerset, Devon, Plymouth and Torbay upper tier authorities) met Jake Berry MP, Minister for devolution to clarify the position of the Government and the HotSW Partnership on the devolution issue. The meeting was very positive and although no agreements were reached, the representatives were given a clear message that the Government would welcome a bid from the partnership to progress ambitions around improving productivity. The Minister stated there would be no requirement to have an elected mayor for Devon and Somerset as a condition of any deal. This statement has removed one significant barrier to taking the next step in the process.

1.4 It is clear that Government is keen to engage with areas across a wider footprint than single county boundaries. In particular they are keen to work with areas that can articulate:

- Unity, clarity of purpose and a shared, ambitious vision built on local strengths
- Strong partnership between business and the public sector with solid governance arrangements that provide assurance in capacity to deliver
- Compelling ideas that can help to deliver Government objectives
- Clarity on the offer to Government in terms of savings, the capacity to take major strategic decisions and backed by a robust analysis of risk and benefits.

The Joint Committee will provide the ideal governance framework at this stage to take forward this dialogue with Government.

1.5 The key role of the HotSW Joint Committee is to develop, agree and ensure the implementation of the Productivity Strategy. This can only be achieved by working, where appropriate, in collaboration with the individual constituent authorities and the LEP. The Strategy will agree a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective 'ask' of Government.

2. HotSW Joint Committee Proposal

2.1 The detail of the proposed functions of the Joint Committee and how it will operate are set out in appendix A attached – the Arrangements document. Appendix B attached sets out an Inter-Authority Agreement for consideration which details how the Joint Committee will be supported and sets out the obligations of the Council if it agrees to become a constituent member.

2.2 The documents detail 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.

2.3 At this stage the Arrangements and Inter-Authority documents have been 'scaled' to fit the functions of the Joint Committee and the limited liabilities that each authority faces in signing up to be a constituent authority. In the event that the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement will be revisited to ensure that they remain fit for purpose and proportionate. Any expansion of the functions and responsibilities would require the approval of the constituent authorities.

2.4 The Joint Committee has a much more limited role than a Combined Authority. It does not have the statutory or legal status of a Combined Authority and cannot deliver the

full range of benefits that a Combined Authority can, but it does have the potential to provide cohesive, coherent leadership and a formal governance structure. Its role will focus on collaboration, negotiation and influencing with full decision-making responsibilities limited to developing and agreeing the Productivity Strategy. The principle of subsidiarity will apply to the relationship between the Joint Committee, the constituent authorities and local sub-regional partnerships with decisions to deliver the Productivity Strategy and decisions necessary as a result of the other functions of the Joint Committee being taken at the most local and appropriate level.

2.5 The aim of the Joint Committee through the delivery of the Productivity Strategy will be to:

- Improve the economic prosperity of the wider area by bringing together the public, private and education sectors;
- Work together to realise opportunities and mitigate impacts resulting from Brexit;
- Increase understanding of the local economy and what needs to be implemented locally to improve prosperity for all;
- Ensure 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. This work will be supported by a Joint Committee budget based on an agreed work programme.

2.6 The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help to remove barriers to progress; as well as provide a formal structure to engage with Government at a strategic level on major areas of policy. It also has the potential to 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 Combined Authority model in the future (by potentially acting as a shadow Combined Authority) if the conditions are deemed acceptable to the constituent authorities.

2.7 Critically, the Joint Committee will also provide a formal mechanism for the constituent authorities to engage effectively with the LEP across common boundaries and agendas. District Council partners, in particular, might view this as an opportunity to engage more effectively with the LEP. The LEP, which will sit alongside the Joint Committee, has recently adopted new governance requirements to ensure greater transparency and accountability and wishes to further improve its democratic accountability in discussion with HotSW partners. The Joint Committee will provide a formal structure to take these discussions forward and for the constituent authorities to have greater influence over the activities of the LEP on our common agendas.

2.8 Although the Joint Committee is a cost-effective formal structure, some provision needs to be made to meet the support costs of what will be a fully constituted local authority joint committee. It is proposed that Somerset County Council (who have provided the lead for the governance workstream of the devolution project over the last two years) takes on the support role (with the option of rotating the role after 2 years of operation), to provide the financial, legal, democratic support to the Joint Committee from 1st January 2018.

2.9 There is currently the remainder of the joint devolution budget raised from an initial contribution from all authorities and the LEP in 2015. It is recommended that the remaining funds from this budget - £42,000 - are transferred to the Administering Authority and the budget is used to support the costs of the Joint Committee for the remainder of 2017/18 financial year and for some of 2018/19.

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2.10 In addition, the Joint Committee will need a budget to undertake its work programme and oversee the implementation of the Productivity Strategy. The overall budget required to support the Joint Committee and enable it to undertake its work programme will be dependent, to an extent, on the level of 'in-kind' officer resources provided to the Committee by the constituent authorities. The Administering Authority will review the in-kind support which has been provided for the devolution project in consultation with the constituent authorities and bring forward revised budget figures as part of a budget and cost sharing agreement as necessary in due course to the Joint Committee for consideration and recommendation to the constituent authorities. The budget figures set out in this report in paragraph 2.11 are therefore provisional at this stage. The initial Joint Committee work programme is set out in section 3 below for approval.

2.11 Through work undertaken by the partners it is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. This estimate is made up of the following:

- £40,000 for the Administering Authority to undertake its duties. This is seen as a minimum cost and assumes that 'in-kind' officer resource remains in place at the same level; the Joint Committee meeting venues are provided by partners as 'in-kind' contribution
- £25,000 (estimate) for work the Joint Committee would wish to commission
- £24,000 for the Brexit Resilience and Opportunities Group Secretariat.

2.12 The Shadow Joint Committee recommends the budget is met by contributions from the constituent authorities. This would exclude the LEP and the CCGs from contributing as non-voting partners. As stated above it is estimated there will be a funding carry forward of £42,000 from the 2015 devolution budget. This would leave a shortfall of £47,000 to meet the total estimated budget requirement of the Joint Committee in 2018/19. Using the formula of contributions agreed in 2015 to support the devolution project the contribution requested of each constituent authority for 2018/19 is set out below. This assumes that all authorities agree to become members of the Joint Committee and would have to be recalculated should fewer than 19 authorities become Members.

- County Councils - £10,500
- Unitary Councils - £4,000
- District Councils and National Parks £1,400

2.13 Under this formula it is recommended this Council contributes £10,500 for 2018/19 as a constituent authority. Any expenditure against this budget would be subject to the formal approval of the Administering Authority.

2.14 In terms of the proposed meeting arrangements for the Joint Committee, it is recommended:

- (a) That the Joint Committee should meet formally immediately after the LEP Board meetings to assist with engagement and co-operation between the bodies and allow co-ordination of the respective work programmes.
- (b) That the following dates are reserved for meetings of the Joint Committee in 2018:
 - Friday 26th January
 - Friday 23rd March
 - Friday 25th May

- Friday 20th July
 - Friday 28th September
 - Friday 30th November
- (c) That the Joint Committee meetings should start at 10am with the venues rotated throughout the HotSW area. The assumption will be that the host authority for that meeting will provide appropriate accommodation and facilities 'in kind'.

3. HotSW Draft Productivity Strategy and the Joint Committee Work Programme

3.1 The Partnership has, since its inception, been focused on working together to tackle low productivity as this is seen as the key to the area's future economic growth. The academic research undertaken in the HotSW Green Paper on Productivity – www.torbay.gov.uk/council/how-the-council-works/devolution/productivity-plan-green-paper/ highlighted that whilst Devon and Somerset have one of the highest employment rates in the country too many of those jobs are part-time and low paid. This means that our area has one of the lowest productivity rates in the Country and this is a major barrier to future prosperity.

3.2 The Partnership has continued to lobby Government to work more closely with our area in order to make good on its promise to spread economic growth across the Country and we now need to build on the recent meeting of the Minister and the momentum achieved. This work is urgently needed to ensure that areas such as the Heart of the South West do not get left behind as Government look to focus investment in areas where there are strong, cross boundary strategic partnership arrangements such as the six Mayoral Combined Authorities.

3.3 The Productivity Strategy is being developed through an academic evidence base and engagement with stakeholders and the community. The draft plan is currently out to consultation and can be viewed at www.torbay.gov.uk/devolution. The deadline for response is 30th November 2017. Members are encouraged to respond to the draft strategy.

3.4 In summary the Strategy proposes to deliver prosperity and productivity across the entire HotSW and to do so in an inclusive way. It proposes to build on existing strengths around high tech sectors as well as release untapped potential in our more traditional sectors. Once agreed the strategy will set out a vision for the whole of the area that will be used as a tool to lobby for investment both from the private sector and Government.

3.5 The Strategy is built around three key objectives as set out in fig 1 overleaf:

- Developing **leadership and knowledge** within businesses in our area;
- Strengthening the **connectivity and infrastructure** our businesses and people rely on; and
- Developing the ability of people in our area to **work and learn** in a rapidly changing economy

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Fig 1 – Table of objectives within the draft productivity strategy

| | Leadership and knowledge | Connectivity and infrastructure | Working and learning |
|----------------------------|--|--|--|
| Aspiration | To substantially improve the productivity of businesses in the area. | Improve our physical and natural assets to support wellbeing and economic opportunities. | Meet the potential of every individual within the area to work and contribute to our shared prosperity. |
| High-level aim | Help develop innovative, ambitious, growing businesses that can compete internationally. | Create vibrant places that are attractive to skilled people and new investment, with infrastructure to support productivity growth. | Develop, attract and retain a highly skilled and adaptable workforce. |
| Strategic objective | Programmes <ul style="list-style-type: none"> • Management excellence • New markets, new opportunities • Remove barriers to expansion • Attract talent and investment | Programmes <ul style="list-style-type: none"> • Clean energy infrastructure • Connectivity and resilience • Land for business and housing needs • Natural capital to support productivity | Programmes <ul style="list-style-type: none"> • Skills for a knowledge-led economy • Pathways to success • Access to work and opportunities • Skills for our 'golden opportunities' |

3.6 It is recommended that one of the first tasks of the Joint Committee will be to approve the Productivity Strategy early in the New Year.

3.7 The Partnership has been meeting as a Shadow Joint Committee since 22nd September 2017. Its focus is to ensure the Joint Committee can immediately move into action and take advantage of major funding streams, national policy debates and lobbying around the economy. The Partnership will be working with the LEP to deliver the Productivity Strategy and will be supporting a joint work programme which initially will involve:

- Developing and recommending a delivery and investment Framework, to implement the Productivity Strategy and demonstrate capacity to deliver. This will complement the LEP's Strategic Investment Panel which oversees the LEP's investments;
- investigating ways to complement existing work to draw out opportunities to attract infrastructure investment in line with the Productivity Strategy aims, building the track record for ambitious and compelling propositions;
- investigating ways to complement existing work to improve the delivery of skills in line with the Productivity Strategy aims
- investigating ways to complement existing work on strengthening leadership & knowledge within the area's SMEs in line with the Productivity Strategy aims;

3.8 Any Joint Committee expenditure on the joint work programme will be subject to approval by the Administering Authority.

4. Consultation, communication and engagement

4.1 Members, partners and the public have been kept informed of developments of the HotSW Devolution Partnership and the Productivity Strategy through press releases, newsletters, presentations, workshops and publications. This information flow will be maintained by the Joint Committee. In addition, all of the authorities within the Partnership have taken formal decisions as required during the various stages of consideration of devolution proposals and the proposed creation of the Joint Committee.

4.2 A draft Productivity Strategy was released for public consultation on 12 October 2017. To complement the on-line consultation there will be; Council-based briefings and targeted key stakeholder events through 6 sub-regional roadshows held in Greater Plymouth, Northern Devon, Greater Exeter, Torbay, Taunton/Bridgwater and Yeovil/Shepton Mallet. The consultation will end on 30 November 2017 and feedback will influence the final strategy which is due for approval in early 2018.

5. Equality Considerations

5.1 The Inter-Authority Agreement requires all constituent authorities to support, promote and discharge its duties under the Equality Act through the work of the Joint Committee. The Partnership is developing an Equality Impact Needs Assessment to inform the development of the Productivity Strategy. The Joint Committee will consider this assessment alongside the Productivity Strategy before adoption.

6. Public Health Considerations

6.1 There is a strong correlation between economic prosperity and health of the population. Public Health specialists will be key stakeholders within the consultation process and will be asked to advise on ways in which the Productivity Strategy could be connected to public health strategies to maximise the benefits to our communities.

7. Risk Management Considerations

7.1 The creation of a Joint Committee will place a formal governance structure around the preparation and implementation of the Productivity Strategy. The Strategy will be used as a tool to attract a greater share of Government funding around the Industrial Strategy and mitigate the risk of Devon and Somerset being left behind other areas of the country.

7.2 Without a Productivity Strategy and Joint Committee in place, the Council and its partners will lack credibility and 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.

7.3 The individual financial risk to the individual constituent authorities of establishing the Joint Committee is limited to their financial contributions to the running and operational costs of the Joint Committee. The risk is shared between all of the constituent authorities.

8. Legal considerations

8.1 Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Arrangements and Inter-Authority documents set out as Appendices A and B. The documentation also aligns to the LEP's Assurance Framework.

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8.2 This simple documentation sets out the functions, membership and operations of the Joint Committee and the requirements upon the Constituent Authorities in supporting it.

8.3 The Appendices A and B have been amended to reflect the gender non-specific language adopted by Devon County Council. This change has been made for the County Council report following representations.

8.4 On the 14 November 2017, the Leaders of the HoSW Partnership agreed to change the wording of paragraph 11.5 within the Draft Inter-Authority Agreement regarding press statements following representations from Devon County Council. Members are asked to note the change of wording between the Cabinet report and the report to County Council.

9. Financial considerations

9.1 The costs associated with the early work on the Productivity Strategy preparation largely relate to officer time which is being provided 'in kind' by the authorities and partners. Specifically the LEP has met some direct costs.

9.2 The establishment of the Joint Committee provides a low-cost option compared to a Combined Authority model of governance. As part of the Inter-Authority Agreement the assumption is that the constituent authorities will continue to provide in-kind support although this will be reviewed by the Administering Authority to ensure that the levels of support are appropriate, sustainable into the future and acceptable to the authorities providing the support. The direct running costs of the Joint Committee will be limited to providing officer support for the meetings, if there is insufficient 'in-house' capacity, and the costs of the meetings themselves. At this stage direct support costs will be kept to a minimum and for 2017/18 and some of 2018/19 will be covered by the residual joint devolution budget established in 2015.

9.3 In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its Work Programme. Further details of the provisional budget requirements are set out in section 2 together with the proposed funding mechanism for contributions from individual constituent authorities.

9.4 In coming to their decision about a Joint Committee and whether the potential costs provide good value for money, Members might like to consider the potential cost/impact of not working in this way and the potential loss of influence with the Government and investment to the area. Through recent funding initiatives and policy – including through the recent meeting with the Minister, 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.

9.5 The proposal put before Members sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies, funding announcements and in preparation for Brexit.

10. Options/Alternatives

10.1 There are two options and alternatives that Members might consider:

Option 1 – Do nothing and continue with informal arrangements within the Partnership. As set out above the feedback from Government is they prefer to work 'at scale' and are looking more favourably at areas that have a unity of vision and purpose.

Option 2 – move to a Combined Authority. Following the indication from the Minister, the Partnership will need, at some point, review the option of establishing a Combined Authority. Establishing a Combined Authority requires a substantial lead in time to allow for the Parliamentary approval process and would inevitably require the creation of a shadow Combined Authority to test and confirm the concept. The potential benefits of moving to a Combined Authority model will have to be judged against the implications of not doing so, including the cost implications. The Joint Committee has the benefit of allowing the Partnership to move relatively quickly to establish a Combined Authority if that is the wish and agreement of the constituent councils.

11. Reason for Recommendation/Conclusion

11.1 Working together will deliver better results if we are to help our businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across local geographies we will strengthen the area's voice to Government and strengthen the actions the area can take to improve productivity.

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

11.3 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of individual authorities and sub-regional arrangements to deliver their aspirations. It will provide the formal arrangements for collaboration on productivity.

11.4 Through the Joint Committee the partners can test and improve their ability to work together as a potential precursor to the possible establishment of a Combined Authority at some point in the future. It will also provide a mechanism to further strengthen democratic input and influence with the LEP and align more effectively with the LEP's new model of governance and accountability.

11.5 Without a Joint Committee in place, the HotSW area will continue to struggle to position itself to be able to take advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships.

Phil Norrey
Chief Executive

Electoral Divisions: All

Leader of the County Council: Councillor John Hart

[Local Government Act 1972: List of Background Papers](#)

Heart of the South West Statement of Intent Sept 2015
Heart of the South West Devolution Prospectus for Productivity March 2016
Cabinet 9th December 2015 – min 438 refers
Council 10th December 2015 – min 157 refers
Cabinet 13th July 2016 – min 50 refers
Council 28th July 2016 – min 28 refers
Cabinet 10th February 2017 – min 149 refers
Council 16th February 2017 – min 86 refers

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APPENDIX A

HEART OF THE SOUTH WEST (HOTSW) JOINT COMMITTEE – DRAFT ARRANGEMENTS

1. Introduction:

1.1 Legal status: The HotSW Joint Committee is a Joint Committee of the local authorities listed in 1.5 below that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the functions detailed in section 2 of this Agreement.

1.2 Key purpose: The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.

1.3 Aims and objectives: The aim is to provide a single strategic public sector partnership that covers the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy.

1.4 Commencement: The Joint Committee will be established in accordance with the resolutions of the Constituent Authorities listed below in paragraph 1.5 with effect from the Commencement Date (22 January 2018) and shall continue in existence unless and until dissolved by resolution of a majority of the Constituent Authorities.

1.5 Membership: Each of the Constituent Authorities listed below shall appoint 1 member and 1 named substitute member to the Joint Committee on an annual basis. Each member shall have 1 vote including substitute members. For the Councils, the member appointed shall be that Council's Leader except in the case of Torridge District Council where the member appointed by the Council shall have authority to speak and vote on matters on behalf of the Council. Political balance rules do not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the National Park Authorities the member appointed shall have authority to speak and vote on matters on behalf of the Authority:

- Dartmoor National Park Authority
- Devon County Council
- East Devon District Council
- Exeter City Council

- Exmoor National Park Authority
- Mendip District Council
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Sedgemoor District Council
- Somerset County Council
- South Hams District Council
- South Somerset District Council
- Torbay Council
- Taunton Deane Borough Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council
- West Somerset Council.

1.6 In addition to the Constituent Authorities the partner organisations listed below shall each be invited to appoint 1 co-opted representative and 1 named substitute co-opted representative to the Joint Committee. Co-opted members shall not have voting rights:

- Heart of the South West Local Enterprise Partnership (the LEP)
- NHS Northern, Eastern and Weston Devon Clinical Commissioning Group
- NHS South Devon and Torbay Clinical Commissioning Group
- NHS Somerset Clinical Commissioning Group

1.7 The Joint Committee may co-opt further non-voting representatives from the private, public and/or voluntary sectors at any time.

1.8 Each appointed member / representative shall remain a member of the Joint Committee until removed or replaced by the appointing authority / organisation. Appointments to fill vacancies arising should be notified to the Joint Committee Secretary as soon as possible after the vacancy occurs.

1.9 Standing Orders / Rules of Procedure: Outside of the contents of this 'Arrangements' document, the Standing Orders and Rules of Procedure for the Joint Committee shall be those contained in the Constitution of the Administering Authority to the Joint Committee, subject, in the event of any conflict, to the provisions in the Arrangements document taking precedent.

1.10 Administering Authority: A Council shall be appointed by the Constituent Authorities as the Administering Authority for the Joint Committee and shall provide legal, democratic services, financial and communications support to the Committee. The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

2. Joint Committee Functions:

2.1 The only delegated function of the Joint Committee relates to the approval of the HotSW Productivity Strategy. All other matters referred to in 2.3 are 'referred' matters where the Joint Committee will make recommendations to the constituent authority or authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities, but shall only be agreed if approved by all of the Constituent Authorities.

2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the constituent authorities and local sub-regional partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Strategy in collaboration with the LEP.
- (b) Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the constituent authorities.
- (c) Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the constituent authorities / partner agencies.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
- (e) Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the constituent authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- (f) Ensure that adequate resources (including staff and funding) are allocated by the constituent authorities to enable the objectives in (a) to (e) above to be delivered.

3. Funding

3.1 The Constituent Authorities shall agree each year and in advance of the start of the financial year (except in the year of the establishment of the Joint Committee) a budget for the Joint Committee in accordance with a Budget and Cost Sharing Agreement to cover the administrative costs of the Joint Committee and costs incurred in carrying out its functions. All funds will be held and administered by the Administering Authority on behalf of the Constituent Authorities and spent in accordance with that Authority's financial regulations and policies.

3.2 In the Joint Committee's first year of operation, the budget will be approved by the Constituent Authorities on the recommendation of the Joint Committee as soon as possible after the establishment of the Joint Committee.

3.3 Joint Committee members' costs and expenses will be funded and administered by the respective Constituent Authority.

4. Review of the Joint Committee Arrangements

5.1 The Joint Committee may at any time propose amendments to the Arrangements document which shall be subject to the approval of all of the Constituent Authorities.

5.2 Any Constituent Authority may propose to the Joint Committee amendments to the Arrangements. Such amendments shall only be implemented if agreed by all of the Constituent Authorities on the recommendation of the Joint Committee.

5. Members' Conduct

5.1 All members of the Joint Committee shall observe the "Seven Principles of Public Life" (the 'Nolan' principles) and will be bound by their own authority's code of conduct in their work on the Joint Committee.

5.2 Joint Committee members / representatives shall be subject to the code of conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This includes the requirement to declare relevant interests at formal meetings of the Joint Committee.

6. Requirements of Joint Committee members

6.1 Joint Committee members shall:

- (a) Act in the interests of the Joint Committee as a whole except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Authority's Code of Conduct.
- (b) Be committed to, and act as a champion for, the achievement of the Joint Committee's aims.

- (c) Be an ambassador for the Joint Committee and its work.
- (d) Attend Joint Committee meetings regularly, work with others to achieve consensus on items of business and make a positive contribution to the Committee's work.
- (e) Act as an advocate for the Joint Committee in any dealings with their organisation including seeking any approvals from their Constituent Authority/Partner Organisation to Joint Committee recommendations.
- (f) Adhere to the requirements of the 'Arrangements' document and maintain high ethical standards.

7. Appointment of Chair and Vice-Chair

7.1 The Joint Committee shall elect a Chair and Vice-Chair from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote of Constituent Authority members. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

7.2 A vacancy occurring in the positions of Chair or Vice-Chair between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

7.3 The Chair and Vice-Chair shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to 7.5 below, continue in office until a successor is appointed.

7.4 In the absence of the Chair and the Vice-Chair at a meeting, the voting members of the Committee present shall elect a Chair for that meeting.

7.5 The Chair or Vice-Chair may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

8. Quorum

The quorum for any meeting of the Joint Committee shall be 9 Constituent Authority members. The Chair will adjourn the meeting if there is not a quorum present. In the absence of a quorum, the meeting shall be adjourned to a date, time and venue to be agreed by the Chair.

9. Voting

9.1 Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

9.2 In exceptional circumstances where a formal vote is required, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands. The Chair of the Joint Committee shall not have a casting vote in the event of a tied vote.

10 Decision making Arrangements

10.1 Only the Joint Committee shall approve the Productivity Strategy.

10.2 The Joint Committee may at any time appoint working groups consisting of Joint Committee members and/or co-opted representatives / officers to consider specific matters and report back / make recommendations to the Joint Committee.

11 Formal Meeting Arrangements

11.1 The Joint Committee will hold an Inaugural Meeting within 30 days of the agreed commencement date and thereafter shall meet on a regular basis as agreed by the Joint Committee annually at its Annual General Meeting.

11.2 The Chair or in his/her absence the Vice-Chair, may call a special meeting of the Joint Committee following consultation with the Chief Executives' Advisory Group to consider a matter that falls within the Committee's remit but cannot be deferred to the next scheduled meeting, provided that at least ten clear working days notice in writing is given to the Joint Committee membership.

11.3 Formal meetings of the Joint Committee shall normally be held in public, in accordance with the Access to Information Rules and the Standing Orders / Rules of Procedure of the Administering Authority.

11.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

12. Who can put items on the Joint Committee's agenda?

- (a) The Joint Committee itself;
- (b) Any of the members of the Joint Committee appointed by the Constituent Authorities
- (c) A Constituent Authority by way of a formal resolution
- (d) The Chief Executives' Advisory Group
- (e) The Monitoring Officer and / or the Chief Finance Officer of the Administering Authority.

13. Reporting Arrangements

13.1 In addition to any ad hoc reports to the Constituent Authorities, the Joint Committee shall supply an annual report of its activities to the Constituent Authorities in May of each year.

13.2 The Joint Committee shall co-operate with the public scrutiny arrangements of the Constituent Authorities.

14 Record of attendance

14.1 All members present during the whole or part of a meeting are asked sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

APPENDIX B

HOTSW JOINT COMMITTEE DRAFT INTER – AUTHORITY AGREEMENT

1. Commencement and Duration:

1.1 This Agreement (and the obligation of the Constituent Authorities [CAs]) shall take effect on the agreed Commencement Date – 22 January 2018 - and shall continue until the Joint Committee (JC) is dissolved.

2. Formation provisions:

2.1 The CAs agree to form the JC from the agreed Commencement Date and to delegate / refer the functions specified to the JC from that date as set out in section 2.3 of the Arrangements document.

2.1 The JC shall operate in accordance with the Arrangements document and the Standing Orders and Rules of Procedure of the Administering Authority.

3. Administering Authority (AA) arrangements

3.1 The AA shall be appointed by resolution of the CAs for a 24 month period (24 months is considered as appropriate to provide sufficient continuity but also to provide the option to rotate the role on a regular basis).

3.2 The AA shall provide:

- Financial, legal, constitutional and administrative support to the JC and its meetings
- An on-line presence for the JC via the AA website with links to the CAs / partner organisations websites.
- Ensure it has appropriate insurance arrangements in place to cover the AA role.

3.3 The AA may resign from the role by giving 6 months' notice to the CAs.

3.4 The AA may be removed and replaced by a majority vote of the CA members at a formal meeting of the JC.

3.5 The JC shall cease to exist in the event that no CA or organisation can be identified to undertake the AA role.

4. JC Finance

4.1 The JC's budgetary arrangements shall be detailed in a budget and cost sharing agreement (to be drafted) to be agreed by all of the Constituent Authorities annually on the recommendation of the JC and in advance of the financial year. The

only exception to this will be in the JC's first year of operation when the JC shall recommend a budget and cost sharing agreement to the Constituent Authorities for approval at the first opportunity following its establishment.

4.2 The budget and cost sharing agreement shall cover:

- (a) The responsibilities of the Constituent Authorities for providing funding for the JC
- (b) The anticipated level of expenditure for the JC for the year ahead
- (c) The cost sharing mechanism to be applied to the Constituent Authorities
- (d) Details of how the budget will be set and agreed each year
- (e) Who is to be responsible for maintaining financial records on behalf of the JC (the 'accountable body');
- (f) What financial records are to be maintained;
- (g) What financial reports are to be made, to whom and when;
- (h) What arrangements and responsibilities are to be made for:
 - auditing accounts;
 - insurance including ensuring all partners have sufficient cover;
- (i) How any financial assets held by the JC on behalf of the Constituent Authorities will be redistributed to the CAs in the event of the dissolution of the JC or in the event of a CA formally withdrawing from the CA.

5. Roles and responsibilities of the CAs

5.1 The CAs shall:

- (a) Appoint Members and named substitutes to the JC in accordance with the 'Arrangements'.
- (b) Undertake to share the costs of the JC in accordance with the budget and cost sharing agreement and pay their contribution to the JC to the AA in good time.
- (c) Make appropriate arrangements for recommendations of the JC to be considered and decisions made by the CA.
- (d) Support the work of the JC by offering services, resources or other 'in kind' support to assist with JC projects and activities.
- (e) Within the terms of the Inter-Authority Agreement, agree to share information to support the work of the JC.

6. Chief Executives' Advisory Group

6.1 The Group shall:

- (a) Ensure that the JC fulfils its functions and responsibilities and in accordance with all legal and constitutional requirements.
- (b) Plan and co-ordinate the JC's activities to ensure the achievement of its aims and objectives
- (c) Consider the performance and effectiveness of the JC on an on-going basis and make recommendations for changes for consideration by the JC and CAs as necessary.
- (d) Ensure that professional advice is available and provided as necessary to the JC to enable it to carry out its functions.
- (e) Rigorously monitor and scrutinise the JC's budget.

- (f) Consider disputes between the CAs over the application or interpretation of this Agreement together with any potential breaches of this Agreement.

7. Withdrawal from / dissolution of the JC

7.1 A CA wishing to withdraw from the JC shall give a minimum of 6 months' notice in writing to the other CA via the AA. The CAs shall co-operate with any such request.

7.2 If two or more CAs give notice of withdrawal from membership of the JC in the same Financial Year, the JC shall consider and make recommendations to the remaining CA as to the future operation of the JC and, if appropriate, recommend any necessary amendments required to the JC's functions and operating arrangements.

7.3 Where a majority of the CAs at any time agree (via formal resolutions) that the JC should be dissolved or terminated on a specified date then the JC shall cease to exist from that date.

8. Accounts, Audit and Reporting arrangements

8.1 The AA's accounts and audit arrangements will apply to JC business.

8.2 The AA will ensure appropriate reporting arrangements are in place for the JC.

9. Review of Inter-Authority Agreement

9.1 At any time one or more of the CAs may seek a review of this agreement and the operation of the JC by giving notice to the CAs via the AA.

9.2 The review shall be undertaken by the Chief Executives Advisory Group for report to the JC. Any recommendations for changes to the agreement from the JC shall only be implemented if agreed by all of the CAs.

10. Insurance, Indemnities, and Conduct of Claims

10.1 The JC as a scrutiny and policy making group rather than a commissioning body undertakes administrative functions and therefore carries relatively little risk.

10.2 Each authority's insurance cover will automatically extend to provide protection for their members and officers participating in the work of the JC and in their capacity as officers or members of that authority.

11. Information Sharing, Data Protection, Confidentiality, Publicity and Freedom of Information (FOI) Requests

11.1 The CA shall share information about their organisations where that information is relevant to the aims and objectives of the JC.

11.2 Where such information is confidential or privileged, for example for reasons of commercial, customer or client confidentiality, the CA concerned shall seek to provide the information in such a form as to assist the JC whilst maintaining confidentiality, for example by the use of statistical and other non-identifiable forms of data. If confidential information is provided by a constituent authority to assist the work of the Joint Committee, then each constituent authority will respect that confidentiality and shall not use or disclose such information without the permission of the authority that provided the information.

11.3 In respect of FOI requests, the AA will ensure that the requirements of the FOI Act 2000 are met in respect of the activities of the JC. In particular the AA will consult the officers of the CA as necessary regarding any potentially contentious enquiries and will then respond to them accordingly on behalf of the JC.

11.4 The JC and the CAs shall at all times abide by the requirements of the Data Protection Act.

11.5 All press releases and public statements to be sent out on behalf of the Joint Committee shall be the responsibility of the press office of the Administering Authority.

12. Promoting Equality, Diversity and Social Inclusion

12.1 All CAs will support and promote the principles of inclusiveness and equality for all through the work of the JC.

13. Extent of obligations and further assurance

13.1 Nothing in this Agreement is to require any of the CA to act in any way that is inconsistent with its obligations or duties as a local authority.

14. Variations of the Agreement

14.1 Subject to the express provisions of this Agreement, no variation of this Agreement will be valid or effective unless agreed by formal resolution of all of the CA.

15. Dispute Resolution / Breach of this Agreement

15.1 In the event of a dispute arising from the interpretation and operation of this Agreement or a breach of this Agreement by any CA or JC member, the matter shall first be considered by the Chief Executives' Advisory Group. The Group shall seek

to resolve the matter by discussion and mutual agreement and report to the JC and CA as necessary.

15.2 Where this fails to achieve a resolution, then the JC may give formal consideration to further action. Such action may include:

- (a) A request to a CA to replace a JC member;
- (b) A request to a CA to withdraw from the JC;
- (c) A recommendation to the other CAs for the termination of the participation of a CA.

DEVELOPMENT MANAGEMENT COMMITTEE

25 October 2017

Present:-

County Councillors

Councillors J Brook (Chairman), H Ackland, Y Atkinson, R Bloxham, J Brodie, G Gribble, L Hellyer, R Hosking, T Inch, P Sanders and J Yabsley

Members attending in accordance with Standing Order 25:-

Councillors P Colthorpe, A Dewhurst, J McInnes and M Shaw

Apologies:-

Councillors A Connett, I Hall, J Hodgson and C Slade

* 30

Minutes

RESOLVED that the Minutes of the meeting held on 6 September 2017 be signed as a correct record.

* 31

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 32

County Matter: Waste: East Devon District: Retrospective application for the importation, processing and storage of waste electrical cables and carpets within existing agricultural barns and the retention of the existing access track, Whitwell Farm, Whitwell Lane, Colyton

(Councillor M Shaw attended in accordance with Standing Order 25(2) and spoke to this item relating to local residents' concerns about assessment of noise levels and nature of the proposal in a rural environment).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/57) on a retrospective application for the importation, processing and storage of waste electrical cables and carpet within two agricultural barns at Whitwell Farm, Colyton.

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 Head of Service also confirmed that no new issues had been raised arising from the further consultation within regard to the application.

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

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix I to the Report with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local County Councillor.

Agenda Item 10a

DEVELOPMENT MANAGEMENT COMMITTEE
25/10/17

- * 33 **County Matter: Waste: South Hams District: Variation of conditions 18, 20, 21 and 25 of planning permission 39/1927/10/CM for provision of building for agricultural waste recycling together with yard, parking/turning and improvement of track for access with visibility improvement at Greenaway Agricultural Recycling Ltd, Channer Wood Plantation, Marley Head, South Brent**

(Mr A Dayment attended under the Council's Public Participation Scheme and spoke to this item in support of the application).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/58) on a planning application to regularise operations at the site in order to allow for the processing of an additional waste stream (tyres); processing and storage in the yard area; and, increased operating hours.

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 also having regard to the main material planning policies and requirements

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

RESOLVED that planning permission be granted subject to the signing of a Section 106 Agreement relating to the protection and maintenance of the woodland around the site and access track and the imposition of a new set of operating conditions contained in Appendix I of the Report with any subsequent non material changes to the conditions being agreed in consultation with the Chair and local County Councillor.

- * 34 **County Matter: Waste : Teignbridge District Council: Application to revise approved final levels at an existing inert landfill for the purposes of restoration at Foredown Landfill Site, Yannon Lane, Kingskerswell, Newton Abbot, TQ12 5LB**

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

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/59) on a retrospective planning application for the approval of increased final levels at an existing inert waste landfill site at Foredown Landfill Site, Yannon Lane, Kingskerswell, Newton Abbot.

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 also having regard to the main material planning policies and requirements

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

RESOLVED that planning permission be granted subject to the conditions set out in the Report with any subsequent minor changes to the wording of the conditions being agreed in consultation with the Chair and Local County Councillor.

* 35 **County Council Development: Mid Devon District: Conversion and refurbishment of a former residential care home to a Special Educational Needs facility, which includes extensions and alterations to the existing building and external landscaping to create sensory gardens, a ball court and parking provision, Charlton Lodge, Orchard Way, Tiverton**

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

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/60) on an application for the conversion and refurbishment of a former residential care home into a Special Educational Needs (SEN) school in Tiverton, which included extensions and alterations to the existing building and external alterations to create sensory gardens, a ball court and parking provision.

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 also having regard to the main material planning policies and requirements

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

RESOLVED that subject to no new issues arising from the further consultation that are not addressed in the Report, planning permission be granted subject to the conditions set out in Appendix I of the Report with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local County Councillor.

* 36 **County Council Development: West Devon Borough: A new 420 place primary school (built in two phases), together with a Foundation Stage Unit (including a nursery) and a children's centre at land adjacent to Crediton Road, Okehampton (Grid Ref. 259810,95890)**

(Councillors Gribble and Sanders declared a personal interest in this item by virtue of being a Director of NPS (Architects for the development) and Leader of West Devon Borough Council respectively and withdrew from the meeting during its consideration).

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

(Mr S Niles (Devon County Council) and Ms K Wotton (NPS) attended under the Council's Public Participation Scheme and spoke on behalf of the applicant in support of the application).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/61) on a planning application for a new 420 place primary school with a nursery, children's centre, school buildings, 2 sport pitches, a multi-use games area (muga), playground, landscape planting, parking and access arrangements.

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 Chair also reported and read representations from the local County Councillor in support of the application.

Agenda Item 10a

DEVELOPMENT MANAGEMENT COMMITTEE
25/10/17

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

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

RESOLVED that permission be granted subject to the conditions set out in Appendix I to the Report with any subsequent minor changes to the conditions being agreed in consultation with the Chair and County Councillor.

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

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/62) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.40 pm

APPEALS COMMITTEE

6 November 2017

Present:-

Councillors H Ackland, J Hawkins, C Slade and P Twiss

Apologies:-

Councillors G Hook

* 77

Minutes

RESOLVED that the minutes of the meeting held on 4 September 2017 be signed as a correct record.

* 78

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.

* 79

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 Planning, Transportation and Environment on the financial impact of the Committee's decisions for the current financial year 2017/18.

* 80

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 noted the following appeals had been determined under urgency procedures following Members' route walks arising from the last meeting:-

(a) Appeals Allowed:-

| | | |
|------|-----------------------------|-------------------|
| ST90 | Ashprington – Totnes KEVICS | Route unavailable |
|------|-----------------------------|-------------------|

(b) Appeals Refused:-

| | | |
|------|------------------------|-----------------|
| ST83 | Penquit – Ivybridge CC | Route available |
|------|------------------------|-----------------|

| | | |
|------|----------------------------------|-----------------|
| ST91 | Exeter – Exeter St James' School | Route available |
|------|----------------------------------|-----------------|

| | | |
|------|--|-----------------|
| ST86 | Heanton Barnstaple – Braunton Academy) | Route available |
|------|--|-----------------|

| | | |
|------|---|--|
| ST86 | Heanton Barnstaple – Braunton Academy). | |
|------|---|--|

Agenda Item 10b

APPEALS COMMITTEE
6/11/17

* **81 School Transport Appeals**

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

(Councillor Ackland attended and represented in her capacity of local County Councillor in respect of ST 92 but withdrew from the meeting during the determination of the appeal).

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

| | | |
|-------|-----------------------------|---------------------------------------|
| ST 92 | Exeter - Bicton College | Appellant and local County Councillor |
| ST 93 | Kennford - Exeter St Luke's | Appellant and representative |
| ST 94 | Ashburton - S Dartmoor CC | Appellant |

RESOLVED:-

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

ST 93 Kennford - Exeter St Luke's

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

ST 92 Exeter - Bicton College

(c) that the following appeal(s) be deferred for members' route inspection:-

ST 94 Ashburton - S Dartmoor CC.

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

The Meeting started at 2.30 pm and finished at 4.45 pm

PUBLIC RIGHTS OF WAY COMMITTEE

9 November 2017

Present:

Councillors P Sanders (Chair), J Brook, I Chubb, P Colthorpe, R Edgell, M Shaw and C Whitton

Apologies:

Councillors T Inch and A Dewhirst

* **44** **Minutes**

RESOLVED that the minutes of the meeting held on 6 July 2017 be signed as a correct record.

* **45** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **46** **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 12 October 2017.

* **47** **Parish Review: Definitive Map Review - Parish of Buckerell (Part 1)**

(Councillor Twiss attended in accordance with Standing Order 25(2) and spoke to this item in support of the recommendations.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/80) on the outcome of the Definitive Map Review in the Parish of Buckerell in East Devon district which concerned the investigation of whether a public footpath was recorded on the wrong line of a path, shown on older maps crossing a field in the parish, and a claim to add a footpath based on historical evidence.

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

RESOLVED that a Modification Order be not made in respect of Proposal 2 for amending the definitive line of Footpath No. 4 in Buckerell parish, but access be made available to use on the route as recorded; and

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

RESOLVED that a Modification Order be not made in respect of Proposal 3 for the claimed addition of a footpath from the road east of Buckerell village and through the Deer Park Hotel grounds to the road near Weston village.

* **48** **Parish Review: Definitive Map Review - Parish of Combe Martin, North Devon (Part 4)**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/81) on the outcome of the Definitive Map Review in the parish of Combe Martin in North Devon district.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a Restricted Byway between points A-B-C as shown on drawing number HTM/PROW/17/56 (Proposal 17);

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a Footpath between points D-E as shown on drawing number HTM/PROW/17/57 (Proposal 18);

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a Footpath between points F-G-H as shown on drawing number HTM/PROW/17/58 (Proposal 20).

* **49** **Parish Review: Definitive Map Review - Parish of Culmstock**

(Mr French attended under the Council's Public Participation Scheme and spoke in support of the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/82) on an anomaly with regard to the northern spur of Footpath No. 10, Culmstock.

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

RESOLVED that a Modification Order be made to add a public footpath between points A-B as shown on plan HIW/PROW/17/014 and that a Modification Order be not made to add a public footpath between points A-C.

* **50** **Parish Review: Definitive Map Review - Parish of East Down (Part 2)**

(Mrs N Hardman attended under the Council's Public Participation Scheme and spoke against the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/17/83) on the outcome of the Definitive Map Review in East Down.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding to them a restricted byway between points E-F-G-X-H-I-J between Princes Gate and Shortacombe, and to upgrade part of East Down Footpath No. 20 between points J-K between Shortacombe and Shortacombe Corner to restricted byway as shown on drawing no. HIW/PROW/16/40a.

* **51** **Addition of public footpath through fields from Shadycombe Road to Gould Road, Batson Creek in the Parish of Salcombe**

(Councillor Long, on behalf of Salcombe Town Council, the applicant, attended under the Council's Public Participation Scheme and spoke in support of the Modification Order and Mr P Frampton, on behalf of Messrs Smith, attended and spoke against the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/84) and background papers available prior to and at the

meeting examining a Schedule 14 Application made in February 2017 for the addition of a public footpath from Shadycombe Road to Gould Road, Batson Creek in the Parish of Salcombe.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a public footpath between points A-D-E-F and B-C as shown on drawing number HIW/PROW/17/55.

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

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/85) on decisions and directions received from the Secretary of State, namely:-

Modification Orders

(a) Schedule 14 Application to add a footpath connecting with Northam Footpath No. 26 at either end of Kipling Tors, Westward Ho! – the Council were directed to determine the application within three years of the decision date of 6 September 2017; and

(b) Footpath Nos. 16, 17, 18, 19 and 20, Combe Raleigh and No. 5 Awliscombe, Definitive Map Modification Order 2016 – Interim decision 26 October 2017: the Order was proposed for confirmation in connection with Combe Raleigh Footpath No. 20. The decision was subject to modifications which required re-advertisement in due course.

* **53** **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/86) of Public Path Orders made and confirmed under delegated powers, namely:-

(a) **Diversion Orders**

(i) Footpath No. 61, Hartland Public Path Diversion & Definitive Map and Statement Modification Order 2017

(i) Footpath No. 14, Clayhidon Public Path Diversion & Definitive Map and Statement Modification Order 2016

(ii) Footpath No. 55, Bere Ferrers Public Path Diversion & Definitive Map and Statement Modification Order 2017

(iii) Footpath No. 53, Horwood, Lovacott & Newton Tracey Public Path Diversion & Definitive Map and Statement Modification Order 2017

(iv) Bridleway No. 66, Uplyme Public Path Diversion & Definitive Map and Statement Modification Order 2016

(v) Footpath No. 2, Milton Abbot Public Path Diversion & Definitive Map and Statement Modification Order 2017

(b) **Extinguishment Orders**

(i) Footpath No. 63, Broadclyst (Part) Public Path Extinguishment Order 2017

(ii) Footpath Nos. 42, 43, 46 & 50, Ilfracombe Public Path Extinguishment & Definitive Map and Statement Modification Order 2016

(c) **Creation Orders/Agreements**

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- (i) Footpath Nos. 63, Broadclyst & No. 1, Clyst Honiton Public Path Creation Order 2017
- (i) Footpath Nos. 42, 43, 46 & 50, Ilfracombe Public Path Creation & Definitive Map and Statement Modification Order 2016.

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

The Meeting started at 2.15 pm and finished at 4.00 pm

STANDARDS COMMITTEE

13 November 2017

Present:-

Councillors R Radford (Chair), M Asvachin, R Bloxham, P Colthorpe, J Mathews, R Hodgins, A Mayes and R Saltmarsh

Apologies:-

Councillors B Greenslade and Sir Simon Day

* 11

Minutes

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

RESOLVED that the minutes of the meeting of the Committee held on 3 July and 29 August 2017 be agreed as a correct record.

* 12

Items Requiring Urgent Attention

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

The Chair had decided that the Committee should consider this item as a matter of urgency, in order that it could consider a new guidance note for Councillors 'Sexual Harassment – Acceptable Conduct and Guidance Note' which provided information (in addition to the Code of Conduct) to provide a work place that was free from sexual harassment, including the Councils responsibilities and also the rights and responsibilities of Members.

Members also noted that the complaints procedure had been updated in line with the new guidance, but also that the guidance would align with the Officer Acceptable Behaviour Policy.

In discussion, Members asked about numbers of complaints dealt with, how false accusations could be avoided, that a respect for anonymity was essential, the consideration of 'perception' particularly if someone was experiencing harassment and / or bullying behaviour, clarification of 'contact' between Members and Officers (page 3) and use of the word 'victim' within the guidance (to be replaced with complainant).

Members generally welcomed the guidance, which provided a clear framework for acceptable behaviour and for Officers, Members, men and women to be able to work in an environment free from harassment or the fear of harassment and with clear information on processes should a complaint need to be made.

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

RESOLVED

(a) that the 'Sexual Harassment – Acceptable Conduct and Guidance Note' be endorsed and included as additional guidance (and published) alongside the Code of Conduct; and

(b) that the County Solicitor be authorised to make any necessary amendments to the guidance to reflect both the views of the Committee, as above, and any related links or considerations between that guidance and the Council's Acceptable Behaviour Policy.

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* **13 Membership**

The Committee welcomed Mr I Hipkin, as a newly appointed co-opted Member and further noted the resignation of Councillor Gribble from the Committee.

* **14 Consultation on the Disqualification Criteria for Councillors and Mayors**

Members considered the report of the County Solicitor ([CSO/17/29](#)) which outlined details on a recent consultation from the Department of Communities and Local Government setting out the Government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly. The Consultation could be found at <https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors> and the report contained a proposed response to the Consultation.

The Consultation began on 18 September 2017, would run for 12 weeks with a closure date of 8 December 2017.

The report further outlined the current disqualification criteria, under section 80 of the Local Government Act 1972, or paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (for a directly-elected mayor of a combined authority) and section 21 of the Greater London Authority Act 1999 which disqualified someone from being the Mayor or an Assembly member under certain criteria.

It then outlined the Governments proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they were subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

Members noted that any changes to the disqualification criteria would require changes to primary legislation and also that the proposed changes would not act retrospectively.

The County Solicitor reported the views of Councillor Connett who had submitted comments prior to the meeting relating to civil injunctions and the danger of such powers being used to stifle or prevent honest lawful action.

In discussion, Members further raised the issues of juveniles who had committed minor offences at a young age and the potential detrimental impact on their future.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Mathews; and

RESOLVED that the Consultation response be endorsed subject to the additional comments regarding civil injunctions and the views expressed above relating to juveniles.

* **15 Customer Feedback Monitoring Report - Quarter 2 2017/2018**

The Committee considered the Report of the Head of Digital Transformation & Business Support ([BSS/17/14](#)) on feedback, compliments, representations and complaints received and handled by the County Council for Quarter 2 for 2017/2018.

This included volumes and themes for all types of customer feedback (Compliments, Comments and Complaints), Letters from Members of Parliament and Complaints being dealt

with by the Local Government Ombudsman about Devon County Council. In addition it provided information about the Council's performance in responding to and learning from the outcomes of complaints.

Throughout Q2 the Council received 969 items of feedback which was an increase of 87 items on Q1 and was a reversal of the downward trend over the last 15 months. Also, there had been 14 fewer complaints received across the Council in Q2 compared to Q1 (465 compared to 479).

Also, the total number of compliments received decreased slightly from 236 in Q1 to 224 in Q2.

The Committee noted that the number of MP Letters received in Q2 had risen significantly in the last quarter; with 208 MP Letters received compared to the 80 received in Q1.

In discussion, Members asked about the value of collating information on Councillor enquiries, the use of automated responses to complaints, whether staff shortage affected complaint response times and the impact of commissioned services on levels and types of complaint.

The Customer Relations & Information Governance Team Manager undertook to review the website to ensure the mechanism for submitting compliments was clear and accessible.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham; and

RESOLVED that the monitoring report be noted.

* 16

Ethical Governance Framework: Monitoring

The Committee considered the report of the County Solicitor ([CS/17/22](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees and also since publication of the above, the Cabinet meeting of 8 November 2017, to monitoring compliance by Members and Officers with the Council's ethical governance framework.

Members raised the issue of public participation following reported issues with speakers rushing their speeches, making any representation hard to hear.

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

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham; and

RESOLVED that the update be noted.

* 17

LGO Annual Letter 2017

The Committee considered the Joint Report by the Ombudsman Link Officer and Head of Digital Transformation and Business Support ([BSS/17/15](#)) on complaints made to the Local Government and Social Care Ombudsman for 2016/2017.

The report highlighted the name of change of the Ombudsman to the Local Government & Social Care Ombudsman, to reflect that it had operated, since 2010 with jurisdiction over all registered adult social care providers and was able to investigate complaints accordingly.

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The Ombudsman's jurisdiction was covered by the Local Government Act 1974 and there was a statutory duty to report Ombudsman findings and recommendations as well as a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to prepare a formal report where it appeared that the authority, or any part of it, had acted or was likely to act in such a manner as to constitute maladministration or service failure, and where the Ombudsman had conducted an investigation in relation to the matter.

There had been a decrease in the number of complaints to the Ombudsman in 2016/17 to 118 (148 in 2015/2016) which was a positive shift. In 2016/2017 only 25 complaints that received decisions were upheld.

The report outlined the breakdown by service area as well as the breakdown of the 'decision' by the Ombudsman as to whether the complaint was investigated, upheld, advice given etc. The table at Appendix A to the report provided details of the 18 decisions of 'upheld with injustice' and the required actions by the Council.

Members noted the importance of the Council ensuring it was able to evidence it was a Council that learned from complaints and used the learning to improve and maintain the quality of the services it commissioned and provided.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham; and

RESOLVED that the Local Government and Social Care Ombudsman annual letter for 2016/2017 be noted.

* 18

Voting - Standards Committee Co-Opted Members

The County Solicitor circulated a report (appended to these minutes), to confirm the legal position of its Co-opted Members, with regard to voting rights.

Members noted that under section 13 of the Local Government and Housing Act 1989 Co-opted Members of the Committee had to be treated as non-voting Members, but outlined a method permissible in law to adopt a system of informal voting.

The Report outlined the previous arrangements of Standard Committees, before the introduction of the Localism Act 2011, that the Committee had a number of Independent Members and an Independent Chair and also a specific eligibility to vote.

The current position (after establishment of the new arrangements from 1 July 2012), was that the Council retained a non-statutory Standards Committee which was done under the general power to discharge functions by Committee contained in section 101 of the Local Government Act 1972 and to include the previous 'Independent Members' as Co-opted Members within the revised membership to preserve a greater degree of independence and objectivity.

Members noted there was a general power in section 102 of the Local Government Act 1972 to appoint a Committee including persons who were not Members of the Council but Section 13 of the Local Government and Housing Act 1989 stated that Co-opted Members shall for all purposes need to be treated as non-voting Members.

The report outlined a solution in terms of a system of informal voting to allow Co-opted Members to clearly demonstrate their views and the result would be minuted accordingly, prior to a second vote of elected Members which would stand as the formal decision of the Committee.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham; and

RESOLVED that the proposal, as outlined in the report, be welcomed and endorsed.

* 19 **Setting the Standard - Summary of Horizon Scanning Event**

Members received an update on the Committee on Standards in Public Life Horizon Scanning Seminar on 10 July 2017 which had commented upon potential ethical standards of the future.

Members noted the comments in relation to Local Government which included;

- the suggestion there was a need for a fresh look at rules of codes of conduct for Councillors and a strengthening of the ethics system and declaration of interests, given Local Government was often the first level at which the public interacted with politics;
- the issue was not just around particular standards issues such as conflict of interests, but went wider to the issue of governance of local government where it seemed there was a rather mixed system, with little/no effective scrutiny, and defects around conduct; and
- the issue of the development around town centres was raised and the huge sums of money involved.

The Committee would keep a watching brief on the issues.

* 20 **Local Authorities and Standards Regimes - Representations from South West Local Authorities**

The Committee noted the recent representations made by Standards Committees across the South West, particularly in Somerset, regarding the limits on sanctions that could apply against Councillors and also the lack of middle ground between criminal sanctions for transgressions around disclosable pecuniary interests and relatively 'tame' sanctions for other transgressions.

A number of suggestions had been made to the Minister in relation to suspension of Councillors, sanctions for behaviour in a Councillors personal life and the role of the Independent Person.

The Ministers response highlighted that the current arrangements were adequate, but they had publically committed to reviewing the Local Authority Standards Arrangements. They further responded in relation to Section 80 of the Local Government Act 1972, which outlined a range of criteria preventing someone from standing for public office.

The Government were also consulting on the disqualification criteria for Councillors to bring that into line with modern sentencing guidelines and frameworks (See Minute 14).

The County Solicitor reported the views of Councillor Connett that he opposed the suggestion in the letter that Standards Committees have the power to suspend a Councillor.

Members discussed that whilst there might be room for additional measures in terms of sanctions, there was no desire to return to the previous Standards Regime.

* 21 **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, there had been no complaints concerning an alleged breach of the Members Code of Conduct.

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

The Meeting started at 2.15 pm and finished at 3.33 pm

INVESTMENT AND PENSION FUND COMMITTEE

17 November 2017

Present:-

Devon County Council

Councillors R Gilbert (Chairman), Y Atkinson, C Channon, A Connett, R Edgell, and R Hosking

Unitary and District Councils

Councillors L Parker-Delaz-Ajete (Plymouth City Council), J O'Dwyer (Torbay Council), and M Hicks (Devon LGA Vice Councillor Edwards)

Other Employers

D Healy

Unison and Retired Members: Non-Voting Observers

R Franceschini, C Lomax and J Rimron

Apologies:-

Councillors P Edwards and M Lowry

* 24

Minutes

RESOLVED that the Minutes of the meeting held on 15 September 2017 be signed as a correct record.

* 25

Matter of Urgency: Lobbying by Members of the Public

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

The Chair had decided that, at the request of Councillor Edgell, the Committee should consider this item as a matter of urgency due to recent lobbying to members of the Committee in regard to 'ethical' investment policy. Members reported that they had responded to the correspondence in line with policy advice provided by County Treasurer.

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

RESOLVED that this matter be included on the agenda for the annual consultation meeting with fund members and beneficiaries in February 2018 and a report on current Policy be considered at a future meeting of this Committee.

* 26

Devon Pension Board

The Committee received the Minutes of the Board meeting held on 16 October 2017 noting, in particular the comments of the Devon Pension Board at Minute 56 (Pension Fund Risk Register). The County Treasurer confirmed that the Administering Authority was obliged to produce a breaches register and that it was reviewing and re-drafting current procedures.

* 27

Governance Policy and Compliance Statement

The Committee considered the Report of the County Treasurer (CT/17/93) on the Governance Policy and Compliance Statement which explained the governance arrangements for the Fund. The Statement had been last revised in February 2015, to reflect the creation of the Devon Pension Board. However no reference had been included within the

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Compliance Statement to the Pension Board, as Department for Communities and Local Government had not updated their guidance stating what should be included since the requirement for Pension Boards. This remained the case, but it was considered that the Compliance Statement should be amended to include the Pension Board.

The Devon Pension Board had also considered and endorsed the revised draft at its meeting on 16th October 2017 but had questioned non-compliance with B (a) (iii), which had now been addressed (with an independent professional observer attending each meeting).

The Board had also raised the frequency of meetings at its meeting on 16 October (Minute 57). The Members agreed with the Board's suggestion that the wording in the Statement should be amended to reflect that the Board would meet 'at least' twice a year, subject to any significant issues arising when an additional meeting could be convened as appropriate.

In regard to B(ii) of the Statement - 'partially compliant' – the County Treasurer undertook to give further consideration, with reference to guidance, to both representation and voting rights.

Members also requested regular updates on the progress of the Brunel Partnership and how changes would be reflected in the Statement over the next two years, for example, whilst the changes were embedded.

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

RESOLVED that the revised Governance Policy and Compliance Statement be approved, subject to the change outlined above relating to the frequency of the Devon Pension Board meetings.

* 28 **Investment Management Report**

The Committee noted the Report of the County Treasurer (CT/17/94) on the Fund value and the asset allocation compared to the target as at 30 September 2017, Fund performance, and compliance with the 2017/18 Treasury Management Strategy. The Fund value as at 30 September 2017 stood at £4,080.5m, an increase of £90m over the quarter and £150m since 31 March 2017.

* 29 **Actuarial Services Contract Review**

The Committee considered the Report of the County Treasurer (CT/17/95) on the evaluation process for the award of a new contract for the provision of actuarial services to the Devon Pension Fund for a 6 year period, as the current contract was due to expire in February 2018.

The County Treasurer reported that more time was required for evaluation as further clarification from the tenderers was needed in relation to pricing, to ensure the process was fair and equitable.

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

RESOLVED that, following the current tender evaluation process, the County Treasurer be given delegated authority, in consultation with the Chair of the Committee, to award a contract for actuarial services from February 2018 for a 6 year period, and the outcome be reported to the next meeting of this Committee.

* **30** **Applications for Admitted Body Status**

The Committee noted that the following application for admitted body status had been approved under delegated powers: LEX Leisure, there were 4 staff currently in the LGPS with Torbay Council to run the Velopark.

* **31** **Dates of Meetings**

Friday, 23 February 2018, 15 June, 14 September, 16 November, 22 February and 31 May 2019

The County Council's Calendar available at:

<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

* **32** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **33** **Brunel Pension Partnership - Progress**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

(Mr S Tyson declared a disclosable pecuniary interest in this item by virtue of being a Non-Executive Director of the Brunel Partnership and withdrew from the meeting during its consideration).

The Committee considered the Report of the County Treasurer (CT/17/96) on the proposed arrangements for the transition of custody of the Devon Pension Fund's assets from Northern Trust to State Street; the process for agreement of the 2018/19 Business Plan, and agreement of reserved matters. In response to Members' questions, the County Treasurer further reported on the details of reserved matters relating to the Brunel company remuneration policy. Requests to amend reserved matters were subject to unanimous agreement by all Brunel's shareholders.

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

RESOLVED that the proposal, in the Remuneration Policy (Rewards Benefit) relating to 5% of Salary as part of the overall employment reward package, be not supported.

* **34** **Employer Covenant Risk and Review of Indemnity Bonds**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

(Councillors Connett and O' Dwyer each declared a personal interest in this item by virtue of being a Member of Teignbridge District Council and Board Member of Teign Housing Association respectively).

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The Committee considered the Report of the County Treasurer (CT/17/97) on a summary and review by the Actuary of both employer risk assessment and the indemnity bond levels for admitted bodies, and actions proposed.

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

RESOLVED

- (a) that the results of the employer risk assessment be noted;
- (b) that the action taken to notify letting authorities of the revised recommended bond levels and the employer risk assessment risk scores be noted; and
- (c) that the required indemnity bonds for the four housing companies be amended to the 2017 total assessed risk, as recommended by the Fund Actuary.

[N.B. In accordance with Standing Order 32(4) Councillor O'Dwyer asked that his abstention from voting be recorded]

* 35

Investment Management - Review of Trigger Points

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

The Committee considered the Report of the County Treasurer (CT/17/98) on the proposed re-allocation of equities in accordance with the Investment Management Strategy.

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

RESOLVED that County Treasurer in consultation with the Chair of the Committee be authorised to move funds invested in UK passive equities to overseas passive equities (North America and Japan) on a phased basis, in accordance with the strategy set out in the report.

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

The Meeting started at 10.30 am and finished at 11.34 am

AUDIT COMMITTEE

22 November 2017

Present:-

Councillors J Mathews (Chair), I Hall (Vice-Chair), J Berry, J Brazil, E Brennan, R Peart and A Saywell

* **12** **Minutes**

RESOLVED that the Minutes of the meeting held on 14 September 2017 be signed as a correct record.

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

There was no item raised as a matter of urgency.

* **14** **Purposeful Systems**

The members received a verbal update from the Head of Organisational Change on the transformation approach the County Council has embarked on called *Doing What Matters*. During discussion reference was made to the following:

- The programme is being rolled out across the organisation over the next 3 years.
- Local communities are very much part of the redesign process.
- The transformation approach is not included as part of the budget savings for 2018/19 but will be incorporated for 2019/20.
- The need to communicate *Doing What Matters* to all members.
- Grant Thornton fully supported the purposeful systems approach the County Council had adopted.

* **15** **Annual Audit Letter 2016/17**

The Committee received the Annual Audit Letter from Grant Thornton (CT/17/101) issuing unqualified opinions on the Council's 2016/17 financial statements; the Pension Fund financial statements; the Annual Governance Statement and "Value for Money" conclusion 2016/17.

Grant Thornton were still unable to certify the accounts as complete pending the outcome of an investigation following objections to the 2015/16 and 2016/17 accounts, but the 2015/16 objection should be resolved by the end of the year, which will then allow the 2016/17 case to be progressed.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Berry and

RESOLVED that the report and findings be noted.

* **16** **External Audit Update**

The Committee received a Report from Grant Thornton (CT/17/102) setting out the progress made in delivering their responsibilities as external auditors for the Council and giving a summary of relevant emerging national issues and developments.

It was **MOVED** by Councillor Saywell, **SECONDED** by Councillor Berry and

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RESOLVED that the report and findings be noted.

* 17 **Internal Audit Half Year Report 2017/18**

The Committee considered the Report of the County Treasurer (CT/17/99) providing a six month audit opinion of the Council's Internal Audit Service and progress to date against the internal audit plans for 2017/18. The opinion was that an effective framework of control was in place providing reasonable assurance regarding the effective, efficient and economic achievements of its objectives.

The Head of the Devon Audit Partnership reported that the reduction in the percentage of Audit Plans completed was attributable to work now being ongoing for a longer period than it used to be as the emphasis on advice and guidance has grown.

Members expressed concern in relation to the arrangements for young people transitioning to Adult Social Care as well as placement stability for Children in Care.

It was **MOVED** by Councillor Saywell, **SECONDED** by Councillor Berry and

RESOLVED

(a) that the Children's Scrutiny Committee examine, at the earliest opportunity, the issue of placement stability for Children in Care;

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

(c) that the satisfactory performance and achievements of Devon Audit Partnership during the first six months of 2017/18 be noted;

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

* 18 **Data Security and Residential / Nursing Commissioning - Audit Progress Report**

The Committee received a Report of the County Treasurer (CT/17/100) setting out progress with regard the "improvements required" issues identified in respect of Data Security and Residential / Nursing Commissioning. The Head of the Devon Audit Partnership highlighted the progress made by management in implementing agreed actions to address the areas of weakness identified.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Brennan and

RESOLVED that the Committee notes the progress being made by management to address weaknesses identified through the internal audit process.

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

The Meeting started at 2.15 pm and finished at 3.40 pm

CHILDREN'S SCRUTINY COMMITTEE

16 November 2017

Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, J Brazil, E Brennan, C Channon, I Chubb, G Gribble, J Hawkins, L Hellyer, R Hosking, A Saywell, M Squires and C Mabin

Apologies:-

Councillors F Biederman, T Inch and J Mathews

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 20

Minutes

RESOLVED that the minutes of the Children's Scrutiny Committee meeting held on 11 September 2017 be signed as a correct record.

* 21

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 22

Public Participation

There were no oral representations received at the meeting from a member of the public.

* 23

In-Year Budget Briefing

The Committee received the Report of the Chief Officer for Children's Services (CS/17/34) outlining those areas of specific pressures on budgets, potential under and over-spending in the current financial year and on action being taken. The Report noted that need and demand was expected to grow within the Service whilst resource was expected to stay the same or reduce. There were significant challenges faced within the Service with appropriate actions in place to address them. The Head of Service explained that the legal and regulatory frameworks that supported the delivery of Children's Services constrained the discretion the Council had in the management of need and resource.

The three key areas of pressure identified within the Report included placement sufficiency, the Disabled Children's Service and school transport. The Report had revealed that Children's Services was showing a forecast overspend of £1.643 million. This included a forecast overspend in Children's Social Care of £699,000; a forecast overspend in Placement costs of £933,000 and a forecast overspend in Disabled Children's Services of £716,000. These overspends within Children's Social Care had been partially offset by vacancy management, lower legal disbursement and other minor variations of £567,000.

The Report highlighted that the non - Dedicated Schools Grant element of Education and Learning was forecasting an overspend of £944,000 due to increases in personalised transport, with the number of pupils being transported to special schools having increased by 278 (+27%) since the summer term of 2015. Members discussed concerns around the overspend in budget for school transport.

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CHILDREN'S SCRUTINY COMMITTEE
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In response to Members' questions, the Head of Service explained that cost savings within the Early Help budget was due to significant restructures within the department and a drive to recruit new staff, with a slight delay in the allocation and appointment of posts. The Service was also subject to 'payment by results' which made the budget unpredictable and fluid, as the Service had to meet targets in order to receive payments. This underspend at month 4 would balance out now that staff had been allocated to positions within the Service.

It was **MOVED** by Councillor Saywell and **SECONDED** by Councillor Channon and

RESOLVED that Cabinet be recommended to lobby Government on updating legislation regarding school transport due to the large pressures faced by rural counties in providing specialist transport provision.

* 24 Improvement Board - North

The Committee received the Report of the Chief Officer for Children's Services (CS/17/33) on the progress of Children's Social Care in the North locality and aimed to identify any risk or issues that required further attention. Following a commissioned review of social work in May 2017, it was identified that services in the North of the County were weaker than other areas, in particular concerns around leadership and management and the support and supervision of staff. As a result, an Improvement Board was established which had monitored progress in the North since June 2017, focussing on core issues including leadership and culture, staffing levels, management and supervision, core practice standards and quality of input from support services such as HR.

The Report highlighted key areas of difficulties including the recruitment and retention of social workers and reducing the number or caseloads per worker.

Members' discussion points with Officers included:

- the accessibility of training and development for staff;
- the need for competitive salaries in comparison to other local authorities;
- the number of caseloads per worker;
- the need for permanent Managers following a period of instability and constant change of senior leadership.

* 25 Early Help Update

The Committee received the Report of the Head of Education and Learning (CS/17/37) on the progress of Devon's Early Help System with the aim to help more children, young people and families being supported at an earlier stage, thereby preventing the need for escalation to statutory and specialist services.

The Report highlighted that improvement to the Early Help service was being progressed through the multi-agency Early Help Improvement Board, providing a strategic and coordinated overview of improvements and transformations to the Service. The Early Help Service Transformation Maturity Model, published by the Department for Education, provided a framework for local areas to assess their performance against set themes.

The Report highlighted an overall positive view of progress in transforming Early Help services, which has been seen in the development of the workforce, systems and practice. There was a strong commitment across the partnership to deliver change which improved the outcomes and experience for families.

Members' discussion points with Officers included:

- ensuring that families in need of help are identified at the right stage of the Early Help process;
- accessibility to services for rural families;

- a request for a break down in demographics of those families accessing Early Help Services
- the need for Early Help performance indicators.

* 26

Promoting Inclusion and Monitoring Exclusions

The Committee received the Report of the Head of Education and Learning (CS/17/38) on promoting inclusions and monitoring exclusions in Devon. There was a clear focus on increasing inclusions and reducing the number of exclusions across the County through the Devon Inclusion Project, which focussed on prevention, intervention and reintegration. The Project worked in collaboration and partnership with schools, looking at five main work streams: Primary Strand; Practice & Charter; Early Help; Recommissioning and Children in Care.

The Report highlighted that the number of permanent exclusions in 2016/17 had significantly increased and now stood at 0.15% of the pupil population. This was compared to 2015/16 data where the number of exclusions was at 0.09% of the pupil population. In Devon, the majority of exclusions could be seen in Key Stage 3, where previously it would have been in Key Stage 4; this was in keeping with national trends. Children in vulnerable groups were more likely to be excluded than their peers; with pupils with Statements or EHCPs ten times more likely to be permanently excluded than pupils with no identified special education need. This was higher than the national average (2015/16) where pupils with a Statement of EHCP were four times more likely to be excluded.

Discussion points with Members included:

- a recognition of a reduction in schools funding and the impact this was having on schools being able to provide the level of support needed for children at risk of exclusion, such as additional pastoral care;
- the breakdown in the number of exclusions by gender and the statistics showing boys were more likely to be excluded than girls;
- screen culture and the use of technology at an early age, affecting the development of children's communication and language skills, thereby attributing to their behaviour linked to frustration around communication;
- the change in GCSE structure and curriculum, with many schools now starting the qualification in Year 9, and the affect this may be having on pupils as a result of a more focused/challenging curriculum;
- the additional guidance available to schools to help support pupils through transition stages, such as starting Reception or Year 7;
- the research into the potential correlation between the number of exclusions and rates of suicide and self-harm amongst young people;
- a change in culture around exclusions within schools;
- the relationship between the reduction in youth provision including youth clubs, SEN provision, pressure on performance results, mental health provision and the overall affect this has had on the ability to support young people and the impact on their behaviour as a result.

* 27

0-19 Public Health Nursing Service Consultation

The Committee received the Report of the Chief Officer for Childrens Services (CS/17/35) outlining the process to ensure full contribution by the Committee is made to the consultation process regarding the future of the 0-19 Public Health Nursing (PHNS) in Devon.

It was **MOVED** by Councillor Sellis and **SECONDED** by Councillor Brennan and

RESOLVED that the Children's Scrutiny Committee conduct a Spotlight Review to contribute to the consultation process regarding the contract for 0-19 Public Health Nursing in Devon.

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CHILDREN'S SCRUTINY COMMITTEE
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* **28** **SEND Progress Update Report**

The Committee received the Report of the Head of Education and Learning (CS/17/39) outlining progress and development with the Special Educational Needs and Disability (SEND) Improvement Board in relation to the SEND strategy and Improvement Plan, with close monitoring of progress ongoing. The Report highlighted that children with SEN in Devon achieved good outcomes and were above the national average. Progress highlighted within the Report included:

- the establishment of a multi-agency SEND Improvement Board;
- work streams commissioned to deliver transformation;
- an SEND strategy implementation plan;
- a new multi-agency EHC assessment process;
- a reshape of the 0-25 SEN Team in line with the locality model;
- LGA Peer Review;
- EHCP training for multi-agency professionals.

* **29** **Children's Social Care Performance Report**

The Committee received the Children's Social Care Performance Report from the Head of Children's Social Care (CS/17/36) on the latest performance measures. Key areas highlighted within the Report and by the Chief Officer included, inter alia, the Multi Agency Safeguarding Hub (MASH); Children in Need; referrals into statutory children's services; single assessments; child protection enquiries; child protection conferences; repeat child protection plans and Children in Care.

It was **MOVED** by Councillor Hannaford and **SECONDED** by Councillor Sellis and

RESOLVED that the Committee receive an update on progress against recommendations of the Care Leavers Task Group Report.

* **30** **Education and Learning Performance Report**

The Committee received the Report of the Head of Education and Learning (CS/17/40) on the latest performance measures, highlighting key areas including: attainment, Early Years Foundation Stage, Key Stage 1 assessments, Key Stage 2 and 4 provisional results, requests for statutory assessments, transfers from statements and admission appeals. The Report noted that Devon was above average in all key areas of education performance.

* **31** **Children's Scrutiny Committee Work Programme**

RESOLVED that the current outline Work Programme be approved subject to inclusion of the following topics for future consideration:

- (a) Public Health Nursing Spotlight Review;
- (b) Special Guardianship Task Group

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-workprogramme/> and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0&bcr=1>]

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

The Meeting started at 2.15 pm and finished at 5.05 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 November 2017

Present:-

Councillors S Randall-Johnson (Chairman), N Way (Vice-Chair), J Berry, P Crabb, R Gilbert, B Greenslade, R Peart, S Russell, P Sanders, R Scott, J Trail, P Twiss, C Whitton, C Wright and J Yabsley

Member attending in accordance with Standing Order 25

Councillors A Leadbetter and M Shaw

Apologies:-

Councillors H Ackland and P Diviani

* 22

Minutes

RESOLVED that the Minutes of the meeting held on 21 September 2017 be signed as a correct record.

* 23

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 24

Public Participation

There were no oral representations from Members of the Public.

* 25

Legal Duties of this Committee in holding the NHS to Account

The County Solicitor reported on the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 which enshrined in law the role and duties of Health Scrutiny.

The three strands in the legislation were summarised as follows:

(a) to require an officer of a local NHS body to attend before the committee to answer such questions as appear to the Committee to be necessary for discharging its functions;

(b) to be consulted by a relevant NHS body or health service provider on substantial developments. (there is no definition of 'substantial development');

(c) to refer issues to the Secretary of State for Health – subject to the constraints outlined in the legislation.

Briefing notes on these duties and powers would be circulated to Members together with a spotlight review report on a 360 degree review of the work of the former Health and Wellbeing Scrutiny Committee.

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HEALTH AND ADULT CARE SCRUTINY COMMITTEE
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* **26 Position Statement : Budget 2017/18**

(a) Public Health

The Committee received the report of the Chief Officer for Communities, Public Health, Environment and Prosperity on how the Council's strategic objectives were being delivered, the mid-year budget position, and future strategic issues for this service area.

The Chief Officer and Assistant Director of Public Health responded to Members' questions and/or commented:

- on the provision of mandated public health services and aim to improve the health and wellbeing of the people of Devon, while reducing health inequalities;
- on the re-procurement of sexual health services, substance misuse and domestic and sexual violence services in 2017/18 leading to the commencement of new contracts in 2018, and additionally recommencement of the universal NHS Health Check programme, as part of the Council's responsibilities to reduce health inequalities;
- on targeting towards those families and communities which were in greatest need, with some services such as the Specialist Stop Smoking Service focused wholly on those most vulnerable;
- on the Public Health Team's work to commission a number of public health services to support the delivery of its strategic objectives and statutory responsibilities, working collaboratively with the local NHS delivering its statutory function to provide public health expertise to the Clinical Commissioning Groups;
- on the success of the Public Health Team in drawing in additional funding to support the delivery of new programmes and services, including funding from NHS England to support the development of Cranbrook as part of the NHS Healthy New Town Programme, Big Lottery funding to support the introduction of a new targeted Diabetes prevention programme and funding from Public Health England for a Making Every Contact Count (MECC) training programme;
- on the current budget position in keeping within the budget set and published in the Budget Book;
- on the future strategic issues for this service area, notably the continued annual reduction in the Public Health Grant, with significant budget reductions from 2016 – 2020 and on the production of a medium term financial plan to ensure affordability over the coming years; and
- on the future provision of the 0-19 Public Health Nursing Service on which options for the future delivery mechanism for this service were currently being appraised and would be subjected to public consultation prior to any final decision being taken.

(b) Adult Commissioning and Health: Position Statement – Budget 2017/18

(Councillor A Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee)

The Committee considered the Report of the Head of Adult Commissioning and Health (ACH/17/73) on the budget which was forecast to underspend by £4.170 million as at month 6, covering data up until 30th September. The total budget represented approximately 47% of the Council's revenue budget.

The Head of Service, Assistant Director - Health and Social Care Community, East; and the Cabinet Member for Adult Social Care and Health Services responded to Members' questions and/or commented:

- on the total Adult care and health services budget which represented some 47% of the Council's revenue budget;
- on the majority of the underspend (£3 millions) which related to better contract negotiation and demand management;

- on other areas of underspend which included Older People and Physical Disability £1.393 million which related to lower than anticipated care packages (368); and
- savings within in-house operated services of forecasted at £439,000 due to lower running costs and staffing vacancies;
- on the Learning Disability service (including Autistic Spectrum Conditions) which continued to be an area of significant concern and was forecasting an overspend of £1.335 million which was due to an increase in the number of packages which are now 210 above budget;
- on Adult Commissioning and Health (which included Adult Mental Health services budgets) which was now showing an underspend of £673,000 due to temporary vacancy savings in the commissioning teams and one off savings on projects;
- on the risks facing the service, the most significant were: pending HMRC action on National Living Wage compliance for sleep in night shifts; children transitioning to adult services, increased autism cost as a result of individuals being moved back into local communities and increasing incidence and diagnosis; the continuation of increased unit costs in residential / nursing care as a result of significant market premiums being paid; and Winter could also be a challenging and volatile time for the service as demand increased and hospital flow was challenged;
- on the relatively high turnover of care staff in Devon on which more information would be provided by the Chief Officer;
- on the strategic aim of promoting independence for Adults with disabilities and health service needs with good information and advice, signposting and by listening, as part of their overall health and wellbeing;
- on continued lobbying by the lead Member and Cabinet to Government and local Devon MPs about the challenges faced as a result of Devon's demography and geography.

It was **MOVED** by Councillor Randall-Johnson, and **SECONDED** by Councillor Sanders and

RESOLVED that the Cabinet be requested to lobby Government for 'fair funding' in respect of both the County Council's Public Health Grant and for Adult Social Care and Health Services.

* 27

Health and Adult Social Care: Performance using data for the year ending September 2017

(Councillor A Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee)

Dr S Manton, Joint Director (Strategy) North, East and West (NEW) Devon CCG and South Devon and Torbay CCG and Mr S Tapley (Chief Executive, Torbay and South Devon CCG) attended and spoke to this item at the invitation of the Committee.

The Committee considered the Report of the Head of Adult Commissioning and Health (DCC) and Joint Director Strategy (South Devon and Torbay CCG and NEW Devon CCG (ACH/17/73) on performance using data for the year ending September 2017. The performance commentary reflected the reported position as at September 2017 (Month 6) and focussed on a range of metrics covering acute and community hospital settings, primary care and social care selected by system leaders to give an overview of health and care in Devon.

The Head of Adult Commissioning and Health (DCC) and the Joint Director (CCGs) and Chief Executive (South Devon and Torbay CCG) responded to Members' questions and/or commented:

- on the continuing work with Members and processes to develop future performance reports with improved and timely data and analysis;
- on the data relating to Delayed Transfers of Care from acute or non-acute care, and the differences, in particular between the Royal Devon and Exeter Hospital (R D and E) Data from the others acute hospitals and the possible reasons for this and work to reduce the

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HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/11/17

level of delays including use of community beds where appropriate, recruitment and retention of domiciliary care staff and social work reablement staff and other projects and actions as listed in the Report; and the Chief Executive of the CCG undertook to provide further information on the overall bed capacity of the R D and E Hospital;

- on the ongoing commitment to develop a strategy to enable full access to significant additional resources from the Better Care Fund; and
- the role and work of the Devon Safeguarding Adults Board (on which a report would be submitted to the next meeting of this Committee).

The Chair thanked the presenters for their report.

* 28

Promoting Independence Disability Services

(Councillor A Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee)

The Committee considered the Report of the Head of Adult Commissioning and Health (ACH/17/75) on the 'Promoting Independence' policy agreed by Cabinet at its meeting on 14th June 2017 (<http://democracy.devon.gov.uk/documents/s7773/ACH1767.pdf>)

The report outlined the engagement work with users, carers, providers and other relevant parties to consider implementation of the policy. The approach was particularly important for disability services with increasing numbers of individuals with disabilities (learning, physical, sensory and/or autism) who presented to statutory services. There was no change to the threshold (eligibility) for support from social care, but the engagement process would be asking 'what matters to people' and could the Council with partners meet those needs in a different way.

The Chief Officer for Health and Adult Social Care with the Senior Commissioning Manager, (disabilities and mental health) in response to Members' questions reported on initiatives to promote the independence of adults with learning disabilities including educational, vocational training and employment advice and support, and including a Carer Household (Adult foster care), and generally adopting a needs based approach. They also referred to the importance of the preparing children and young people with disabilities for adulthood.

The Chair also referred to wider community responsibilities in terms of, for example, housing design and building control, working with health, and highways and promotion of safe and easy access and vocational education and early years.

* 29

HealthWatch working with Scrutiny and The Forward View, next 3 years

Mr J Rom (Devon HealthWatch Trustee) and Mr C Potter (Devon HealthWatch, Chief Executive) attended and spoke to this item at the invitation of the Committee.

The Committee received a presentation from HealthWatch covering

- the purpose of Healthwatch, their funding, functions and achievements
- Opportunities for collaboration with the Scrutiny Committee; and
- the way forward and their Business plan.

In response to Members' questions the representatives reported their future aspiration to develop a comprehensive shared database and links providing salient information about local health services. HealthWatch could also consider a targeted piece of work in collaboration with the Committee subject to their work programme commitments.

* 30

South Western Ambulance Service NHS Foundation Trust: Performance

This item was deferred to the next meeting.

* 31

Work Programme and Standing Scrutiny Group

(Councillors Shaw attended in accordance with Standing Order 25(2) and spoke to this item)

(a) Work Programme

Councillor Shaw requested that further to Minute 19 and noting the County Solicitors advice in regard to legacies left by community groups or individual benefactors (previously circulated to Members), more investigation was now required on how local interests could be secured.

It was **MOVED** by Councillor Wright and **SECONDED** by Councillor Way and

RESOLVED that the NHS Property Services and the NEW Devon Clinical Commissioning Group and Torbay and South Devon CCG be invited to the next meeting to report on their proposals and plans for the Community Hospitals.

[N.B. In accordance with Standing Order 32(4) Councillor Sanders requested that his vote against the Motion be recorded]

(b) Commissioning Liaison Member

The Committee received the report of Councillor Ackland (previously circulated) on her work as the commissioning liaison member.

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-workprogramme/>]

* 32

Information Previously Circulated

The Committee noted the list of information previously circulated to Members, since the last meeting, relating to topical developments which have been or were currently being considered by this Scrutiny Committee:

(a) New Service Change template (for substantial service changes) for commissioners and providers produced by the Head of Scrutiny and endorsed by Members.

(b) The Kings Fund update on their video on how the NHS works, giving an overview of how change is happening.

(c) Devon Partnership NHS Trust: New Mother and Baby Unit at Wonford House: public drop-in session at the Wonford Community and Learning Centre , on Wednesday 18 October 2017.

(d) The Care Quality Commission's (CQC) annual assessment of the quality of health and social care in England.

(e) NEW Devon CCG monthly newsletter to GPs, which included a letter from both NEW Devon and South Devon and Torbay CCG clinical chairs.

(f) CQC recommends Royal Cornwall Hospitals should go into special measures.

(g) The legal position regarding contributions or legacies left by community groups and other benefactors.

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

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HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/11/17

The Meeting started at 2.15 pm and finished at 5.31 pm

CSO/17/30
Cabinet
8 November 2017

NOTICES OF MOTION

Report of the County Solicitor

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

~~~~~

The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Head of Service is also included where appropriate or available, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Plastic Free Coastlines (Councillor Biederman)**

*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'.*

### **Briefing Note/Position Statement from the Head of Planning, Transportation and Environment**

It is estimated that up to 13 million tonnes of plastic leak into the global marine environment every year<sup>i</sup> either discarded deliberately or escaped from a waste management process. This has adverse implications for wildlife, the economy and human health.

Entanglement and suffocation are responsible for the death of over 1m sea birds and mammals annually<sup>ii</sup> but the unseen effects are equally concerning: The plastics break down and become microplastics which do not biodegrade and are attractive to zooplankton, which in turn are eaten by wildlife higher up the food chain until it arrives on our dinner table. The components used in plastics could harm human health.

The direct economic costs of marine litter to maritime industries, the cost of clean-up and on tourism in the UK are estimated at £103m per year<sup>iii</sup>.

The Government has taken action on plastic bags and microbeads (the latter being illegal in most cosmetics from June 2018), but these sources comprise just 2% of the problem. One third of marine plastic litter is attributable to single-use beverage packaging, which offers the greatest opportunity to take action<sup>iv</sup>.

It is important to consider that all plastic items, single-use or not, increase the demand for nurdles – these are tiny plastic granules shipped around the world as the raw product. Nurdles are responsible for 9% of marine plastics before the plastic has even been turned into something useful.

# Agenda Annex

The mantra of Reduce, Reuse, Recycle is key to improving this situation. Society needs to: use alternative materials wherever possible to reduce demand for nurdles and minimise the plastic that could become litter; provide incentives to reuse the plastic items; and improve product design and collection systems so that plastics are easier to recycle.

DCC and our partners have already started taking action on reducing single-use plastic items. Two examples are: desktop-printer cartridges, which, through the switch to multi-function printing devices, have reduced in purchasing volume from over 9000 in 2009 to 500 in 2016 (almost 60% are from recycled sources); and the Devon Norse reusable cup that, through a 10p reduction on drink prices in return for reusing the cup, resulted in 10,000 fewer disposable cups being used for hot drinks in its first 6 months.

We also have the Recycle@Work scheme in most of our work locations, accessible to 90% of staff. The scheme collects various materials including plastic bottles or mixed plastic recycling depending on location. A new Corporate Waste Action plan was adopted by Cabinet in January 2017 to improve performance further.

More broadly, DCC has a role through its environmental partnerships in raising awareness of the issues surrounding marine plastics. Each year the Exe Estuary Partnership organises a spring and autumn Exe Clean-Up. The latest event attracted 111 volunteers who gathered almost 1700 pieces of litter. The North Devon Coastal Creatures Project has been running beach cleans on remote beaches, supporting beach care groups and engaging schools. Active groups that continue to arrange beach cleans have been established at Westward Ho!, Northam Burrows, Woolacombe and Croyde.v

## **(b) National Funding Formula for Schools (Councillor Greenslade)**

*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.*

## **Briefing Note/Position Statement from the Head of Education and Learning**

As Members may be aware, the national funding formula is fast moving. There has been a delay in obtaining clarification from the Department for Education on some of the figures and this is still being resolved.

There is a funding consultation meeting this week and a full note will be provided at the end of the week, so Members have the most up to date information to consider both prior to and at the Cabinet meeting.

## **(c) Ethical Care Council (Councillor Hodgson)**

*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.*



## **Briefing Note/Position Statement from the Head of Adult Commissioning and Health**

The Unison Care Charter, published in 2013, has three suggested stages of implementation to which, Councils are invited to adhere as they commit to becoming an 'Ethical Care Council'. Personal Care, delivered in an individual's own home, is commissioned via the Council's Living Well at Home (LWAH) contract. Features of this contract vehicle align with many of the aspirations of the Unison Ethical Care Charter.

In the week ending 17/10/2017, DCC commissioned 39,072 hours of personal care; of which 26,426 hours (68%) were commissioned through the LWAH contract. Accordingly, Members are advised it is our assessment that the compliance with the Unison Ethical Care Charter describe below is made against this 68% of the Council's commissioned Personal Care, rather than the 32% of activity which is commissioned under 'legacy SPOT contracting arrangements', where less-stringent contractual obligations are imposed on providers (other than complying with statutory employment practices).

| <b>STAGE 1</b>                                                                                                                                                                                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>Charter Requirement</b>                                                                                                                                                                              | <b>Compliance</b>        | <b>Notes to Members</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients. | <b>Broadly Compliant</b> | <ul style="list-style-type: none"> <li>- Whilst personal care is currently commissioned against 'time and task' it is our assessment that adequate time is commissioned to ensure that individuals receive care in a dignified and respectful manner.</li> <li>- There is a positive intention to move towards outcomes based commissioning over the coming 18 months; which will remove 'time and task' features of DCC commissioned homecare.</li> </ul>               |
| The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients.                                           | <b>Compliant</b>         | <ul style="list-style-type: none"> <li>- Time allocated visits match the needs of the individuals receiving personal care. 15-minute visits are not routinely commissioned by DCC.</li> <li>- Current commissioning data shows that circa 3% of the total personal care commissioning is for 15-minute visits; the need for these visits has been recently reviewed and all are reported to be appropriate in the context of both their duration and purpose.</li> </ul> |
| Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones.                                                                             | <b>Broadly Compliant</b> | <ul style="list-style-type: none"> <li>- The LWAH contract requires homecare workers to be paid for their travel time and travel costs.</li> <li>- Incidental expenses incurred during a worker's employment are usually met by a homecare provider as accepted employment.</li> </ul>                                                                                                                                                                                   |
| Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to                                                                 | <b>Compliant</b>         | <ul style="list-style-type: none"> <li>- There is an expectation within the LWAH contract that adequate travel time is scheduled between visits to ensure workers</li> </ul>                                                                                                                                                                                                                                                                                             |

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| the next one on time.                                                   |                  | are not rushed or forced to leave visits early to arrive at their next appointment on time.<br>- Poor planning of adequate travel time has been intrinsically linked to safeguarding concerns and have been a feature of service failure that has led to whole service safeguarding events involving domiciliary care providers |
| Those homecare workers who are eligible must be paid statutory sick pay | <b>Compliant</b> | There is an expectation within the LWAH contract that workers receive access to the statutory sick pay scheme where they are eligible to receive SSP for periods of absence from work due to ill health.                                                                                                                        |

**Assessment of stage 1 compliance:** Our commissioning of personal care is broadly compliant with stage 1 of the suggested implementation of the Ethical Care Charter. Changes in commissioning practice, notably a shift towards Outcomes Based Commissioning (OBC) will be required to ensure full compliance with stage 1 implementation requirements.

| <b>STAGE 2</b>                                                           |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>Charter Requirement</b>                                               | <b>Compliance</b>    | <b>Notes to Members</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Clients will be allocated the same homecare worker(s) wherever possible. | <b>Compliant</b>     | - Accepted practice in the provision of personal care to individuals in their own homes is that personal care is provided by the same worker / team of workers to ensure 'continuity of care'.<br>- Poor 'continuity of care' has been intrinsically linked to safeguarding concerns and have been a feature of service failure that has led to whole service safeguarding events involving domiciliary care providers.                                                                                                                       |
| Zero-hour contracts will not be used in place of permanent contracts.    | <b>Non-Compliant</b> | - The sector relies heavily on 'Zero hour' and 'minimum hour' employment contracts due to the constantly changing and dynamic nature of demand for personal care.<br>-A move away from these employment practices by providers would require a change in commissioning practices where the Council agrees to meet the cost for periods of a worker's employment where they are not delivering personal care to an individual in order to 'unsaddle' the provider organisation from the financial risks of incurring employment costs where no |

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|                                                                                                                                                 |                          | <p>income is being generated during periods of a worker's time that they are not delivering personal care.</p> <ul style="list-style-type: none"> <li>- A shift to outcomes based commissioning is likely to be required to effect such a change in employment practices, forcing a move away from commissioning 'time and task' personal care delivery.</li> <li>- Such a shift in commissioning practice may mitigate a risk of escalation of costs to commissioners due to the realisation of efficiencies within a 'less prescriptive' offer to individuals in need of personal care.</li> </ul>                                                                                                     |
| Providers will have a clear and accountable procedure for following up staff concerns about their clients' wellbeing.                           | <b>Compliant</b>         | <ul style="list-style-type: none"> <li>- Regulatory Standards, enforceable by the Care Quality Commission, require providers of personal care to implement effective systems which help to maintain the health and well-being of individuals in receipt of their services.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time). | <b>Broadly Compliant</b> | <ul style="list-style-type: none"> <li>- Regulatory Standards, enforceable by the Care Quality Commission, require providers of personal care to ensure workers have the necessary skills and experience to meet the needs of the individuals to whom they deliver personal care.</li> <li>- Poor training has been intrinsically linked to safeguarding concerns and have been a feature of service failure that has led to whole service safeguarding events involving domiciliary care providers.</li> <li>- Further assessment of whether training is provided in work time and without cost to the worker is required to make an assessment of compliance with this charter requirement.</li> </ul> |
| Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation.                   | <b>Compliant</b>         | <ul style="list-style-type: none"> <li>- Regulatory Standards, enforceable by the Care Quality Commission, require providers of personal care to provide supervision and meetings which provide workers with forums to share best practice and limit isolation which is an inherent feature of the 'lone working environment' of personal care delivery in an individual's own home.</li> </ul>                                                                                                                                                                                                                                                                                                          |

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|  |  | - Poor supervision and support has been intrinsically linked to safeguarding concerns and have been a feature of service failure that has led to whole service safeguarding events involving domiciliary care providers. |
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**Assessment of stage 2 compliance:** Our commissioning of personal care is largely compliant with stage 2 of the suggested implementation of the Ethical Care Charter. Changes in commissioning practice, notably a shift towards Outcomes Based Commissioning (OBC) will be required to ensure providers of personal care are less likely to saddled with the financial risk associated with fluctuation in demand for services will be required to ensure full compliance with stage 2 implementation requirements. It is thought that implementation of OBC commissioning models will drive efficiency within the personal care market, consequently there should not be an assumption that a change in commission practice will lead to an escalation in cost to the commissioning authority. Work is underway with our LWAH Primary Providers, linked to the NEW Devon STP Workforce workstream to explore the feasibility of an early shift in employment practices and provider reliance on 'zero hour' contracts, in favour of either 'minimum hour' or 'guaranteed hour' contracts; the commercial contracting arrangements between the Primary Providers and their sub-contracted providers may allow for a 'commercially focused' conversation in which guaranteed pay rates for homecare workers could become an accepted contractual requirement.

| STAGE 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Charter Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Compliance           | Notes to Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| All homecare workers will be paid at least the Living Wage (as of November 2015 it is currently £8.25 an hour for the whole of the UK apart from London. For London it is £9.40 an hour. The Living Wage will be calculated again in November 2016 and in each subsequent November). If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract. | <b>Non-Compliant</b> | <ul style="list-style-type: none"> <li>- Implementation of the LWAH contract required workers to be paid NMW<sup>1</sup> Advice to the council during the procurement of the contract was that to require providers to meet NLW at rates higher than those set by the Low Pay Commission had the potential to be 'anti-competitive' within the sphere of 'public commissioning' and were accordingly discounted from contractual obligations.</li> <li>- There is discussion within Devon STP workforce workstream which is exploring whether the LWAH Primary Providers could make pay rates contractual requirements within the bounds of their commercial contracting with their sub-provider markets together with a decisive shift away from zero hour to either minimum hour or</li> </ul> |

<sup>1</sup>Current National Minimum Wage (NMW) and National Living Wage (NLW) for workers over the age of 25 set by the Low Pay Commission as at April 2017:

| Age of worker | NMW Under 18 | NMW 18-20 | NMW 21-24 | NLW 25 and over | Apprentice |
|---------------|--------------|-----------|-----------|-----------------|------------|
| Hourly Rate   | £4.05        | £5.60     | £7.05     | £7.50           | £3.50      |

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| <p>All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.</p> | <p><b>Non-Compliant</b></p> | <p>guaranteed hour employment contracts.</p> <p>Occupation sick pay schemes are not a feature of the private care sector; It is suggested that implementation of this charter requirement will require a shift in employment practice across the whole of the care sector rather than just within 'homecare'. Adoption of such employment practices would undoubtedly escalate costs of purchasing care as care providers would seek to mitigate the costs associated with between 2 – 4.5% absence in their organisations.</p> |
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**Assessment of stage 3 compliance:** Our commissioning of personal care is not compliant with stage 3 of the suggested implementation of the Ethical Care Charter. It is unlikely that this stage of the charter could be implemented without increased cost to the commissioning authority.

## **(c) 20 MPH Speed Limits (Councillor Hodgson)**

*'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'.*

*(NB: The 20 mph zones in London are estimated to already be saving more than £20 million in crash prevention annually. The cost of road signs is remarkably low. For example, Portsmouth converted 1200 streets to 20mph for just over £500,000 – far cheaper than the alternative ideas put forward, which came to £2.2 million. It's roughly seven times more cost effective, in terms of speed reduction achieved, to introduce a 20 mph limit across a wide area, than to spend the same sum on isolated, physically calmed zones. The police are obliged to enforce all speed limits. The evidence is that drivers drop their speed when a 20 mph limit is enforced).*

## **Briefing Note/Position Statement from the Chief Officer for Highways, Infrastructure Development and Waste**

The DfT have commissioned Atkins to carry out a study in to the effectiveness of 20mph speed limits, the recommendations are due to be issued in February 2018. This study will be the most comprehensive and robust study to date and will include detailed and accurate data on casualties and changes in speeds. A commitment has been given to review the County Council's speed policy when this study is published. In conjunction with the publication of this study the County Council is undertaking an evidence review of the introduction of 20mph limits in Devon and those built up areas which are not within a 20mph limit. This will further feed into the review of speed policy.

Currently speed related concerns identified by communities are considered collectively with the Police, looking objectively at data including measured speeds and collision information. The findings of the investigations inform proposed interventions which range from Community Speedwatch initiatives to engineering solutions. The funds available for interventions are limited and therefore have to be prioritised accordingly and targeted at those locations with most objective need. Officers will be working work with members of the Corporate Infrastructure and Regulatory Scrutiny Committee over the coming months to look at how speed concerns are dealt with going forward.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

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| <u>Background Paper</u> | <u>Date</u> | <u>File Reference</u> |
|--------------------------------|--------------------|------------------------------|
| Nil | | |

ⁱ Jambeck, J.R. *et al.* (2015) Plastic Waste Inputs from Land into the Ocean. *Science*. 347 (6223) p.768-771

ⁱⁱ Surfers Against Sewage (2014) *Marine Litter Report*. Surfers Against Sewage. Available at: <https://www.sas.org.uk/wp-content/uploads/SAS-Marine-Litter-Report-Med.pdf>

ⁱⁱⁱ Lee, J. (2014) Economic valuation of marine litter and microplastic pollution in the marine environment: An initial assessment of the case of the United Kingdom. Paper presented at the 2015 conference of the UK Network of Environmental Economists. Available at: <http://www.eftec.co.uk/keynotes/envecon-2015/lee-paper/download>

^{iv} Green Alliance (2017) *Marine Plastics* [online]. URL: http://www.green-alliance.org.uk/marine_plastics.php