

*County Council  
Thursday, 24th May, 2018*

## NOTES FOR VISITORS

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**SatNav** – Postcode EX2 4QD

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### Access to County Hall and Public Transport Links

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

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

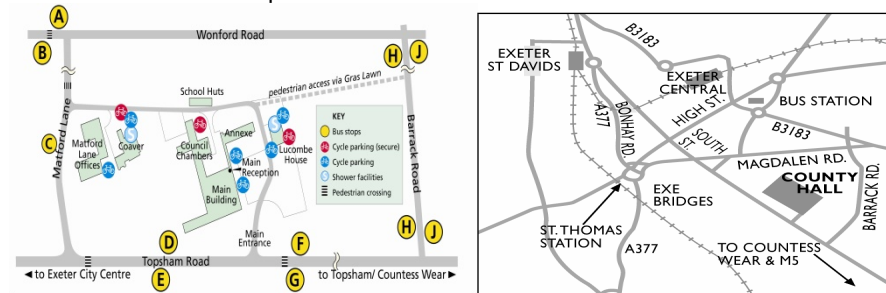
### Car Sharing

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### 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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## DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

16 May 2018

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 24th May, 2018 at 2.15 pm.**

Chief Executive

[Prayers will be offered by the Reverend Alan Dodds, formerly parish priest of Uffculme (until 2007) and previously responsible for eight parishes around Shebbear, 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     Election of Chair**
- 3     Appointment of Vice Chair**
- 4     Appointment of Deputy Leader of the Council**
- 5     Cabinet Members and Allocation of Remits**

The Leader of the Council to move:

*"that the Council note that Members shown in the Appendix circulated at the meeting will be appointed to hold office until the date of the Annual Meeting of the Council in 2019 together with the remits shown therein."*

- 6     Minutes (Pages 1 - 14)**

To approve as a correct record and sign the minutes of the meeting held on 15 February 2018.

- 7     Items Requiring Urgent Attention**

**8      Announcements**

**9      Appointment of Committees**

Councillor Hughes to move:

*(a) that in accordance with Standing Order 21 the County Council appoints those Committees, Joint Committees and Working Parties/Panels as shown in the Appendix circulated at the meeting with terms of reference set out in the Council's Constitution or set out therein for the period expiring at the date of the Annual Meeting of the Council in 2019;*

*(b) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members of the Council be appointed as voting members to those Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels referred to at (a) above in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the proposed allocation of seats as between political party groups and set out for the time being in the Appendix circulated at the meeting;*

*(c) that, and in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2019;*

*(d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council;*

*(e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the Annual Meeting of the Council in 2019 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors.*

**10     Appointment of Chairs and Vice-Chairs of Committees**

Councillor S Hughes to move:

*"that Members shown in the Appendix circulated at the meeting be elected Chair and Vice-Chair of those Committees as indicated therein to hold office until the date of the Annual Meeting of the Council in 2019."*

**11     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.

**12     Petitions from Members of the Council**

**13     Questions from Members of the Council**

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

**FRAMEWORK DECISION**

NIL

**OTHER MATTERS**

**14     Cabinet Member Reports**

To consider reports from Cabinet Members.

**15     Minutes**

To receive and approve the Minutes of the under mentioned Committees

- a**     Investment and Pension Fund Committee - 23 February 2018 (Pages 15 - 20)
- b**     Appeals Committee - 5 March 2018, 16 April and 14 May 2018 (Pages 21 - 26)
- c**     Standards Committee - 12 March 2018 (Pages 27 - 32)
- d**     Appointments and Remuneration Committee - 14 March 2018 (Pages 33 - 34)
- e**     Public Rights of Way - 15 March 2018 (Pages 35 - 38)
- f**     Development Management Committee - 21 March 2018 (Pages 39 - 42)
- g**     Audit Committee - 28 March 2018 (Pages 43 - 46)
- h**     Procedures Committee - 18 April 2018 (Pages 47 - 52)
- i**     Children's Scrutiny Committee - 20 March 2018 (Pages 53 - 56)
- j**     Health and Adult Care Scrutiny Committee - 22 March 2018 (Pages 57 - 64)
- k**     Corporate Infrastructure and Regulatory Services Scrutiny Committee - 27 March 2018 (Pages 65 - 68)

## **16     Regional Adoption Agency (Adopt South West) - Delegation**

The Leader of the Council will **MOVE** that the Council:

- (a) approve the discharge of Somerset County Council, Plymouth City Council and Torbay Council's adoption functions, in accordance with s101 of the Local Government Act 1972, such functions to be discharged in line with the arrangements approved by the Cabinet on 11 April 2018 ([Minute 163](#) refers); and
- (b) recognise and accept responsibility for the specific delegations made to Devon County Council to support the transfer of Relevant Functions.

## **17     Members Allowances Scheme 2018**

The Chair of the Council to formally move Minute 26 of the Procedures Committee (18 April 2018).

*(a) that Members should have the opportunity to debate the matter further Council, in particular, that the recommendations of the Panel, as outlined in the Report (and replicated below) be accepted and implemented in full;*

- (i)     that the structure of the scheme be endorsed and retained;*
- (ii)    the Basic Allowance be increased to £12,607 and the multipliers be recalculated accordingly, as outlined at appendix 2 of the Report;*
- (iii)    that the SRA payment for the Chair of the Investment & Pension Fund Committee be increased by a multiplier of 0.25 to 0.50;*
- (iv)    that careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- (v)    that the sustained reduction, including a reduction in the current year, in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case; and*
- (vi)    that the Panel keep a watching brief on the Devolution / Combined Authority Agenda to assess any impact on allowances;*

*(b) that from May 2018, any future increases in Members Allowances (whilst still being subject to Council approval) use the NJC staff pay award as the future bench mark;*

*(c) that the Committee make representations to both the LGA and CCN to lobby Government for a national framework for the determination of Members Allowances.*

## **18     Scrutiny Annual Report 2017/2018 (Pages 69 - 72)**

To receive the Scrutiny Annual Report, a copy of which can be viewed on the [web](#).

## **NOTICES OF MOTION**

### **19     Accountable Care Systems (Minute 81 - 15 February 2018)**

To receive and consider the recommendations of the Cabinet (Minute 149(a)) of 14 March 2018 as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely;

*This Council is concerned by the decision of the Devon Clinical Commissioning Groups to introduce an Accountable Care System for Devon's NHS and adult social care services from 1st April 2018, without the full agreement of this Council.*

*In view of the widespread public concern over Accountable Care Systems and Accountable Care Organisations, and the decision of NHS England to hold a 12-week consultation on ACOs, this Council calls on the Devon CCGs to put the introduction of the ACS on hold until local people have been fully consulted on the plans'.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/11 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

*(i) that the Council be asked to note the Report of the Chief Executive (ACS/18/83) which outlined the key features of an emerging Devon Integrated Care System, outlining the statutory duty of the local authority to co-operate with NHS partners and the focus on Integrated Care Systems bringing together aspects of health and social care, enabling organisations to share services, budgets, staff and resources where appropriate to best meet the needs of the populations they serve and also the briefing note circulated to all Members of this Council on 9 February which confirmed there was no creation of a new organisation;*

*(ii) that the Council be asked to note there are no proposed changes to existing Governance or accountability arrangements from 1 April 2018; and*

*(iii) that the Council, in line with the recommendations to Cabinet in Report ACS/18/83, welcome and endorse the invitation for the Health and Adult Care Scrutiny to include Integrated Care System Governance in its work programme to inform future decision making and to ensure Scrutiny Members are involved in the planning for these integrated arrangements.*

**20      Sunset for the Royal Marines and Future Resilience (minute 82 - 15 February 2018)**

To receive and consider the recommendations of the Cabinet (Minute 149 (b)), from 14 March 2018, 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;

*'The County Council expresses concern at the conclusions of the Defence Select Committee report "Sunset for the Royal Marines" regarding the future strength of the Royal Marines and the implications for the economy of the county and the viability of Royal Marine bases in Devon such as those in Plymouth and at RMB Chivenor.*

*Devon County Council resolves to play an active part in lobbying to retain Royal Marine bases in our County'.*

Having had regard to the aforementioned, the factual briefing/position statement on the matter as set out in Report CSO/18/11 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

*'that it be recommended that, following the conclusions of the Defence Select Committee, the County Council join with Plymouth City Council and write to the Secretary of State for Defence expressing support for the retention of Royal Marine bases in Devon and Plymouth. The letter to include concerns about the effect any reductions will have on the economy of Devon and Plymouth'.*

**21      Neonicotinoid Insecticides**

Councillor Wright to move:

*In February, the European Union's food-safety agency concluded that three controversial neonicotinoid insecticides posed a high risk to wild bees and honeybees.*

*It looks likely that the EU will soon move to ban all uses of the insecticides on outdoor crops.*

*Michael Gove, Environment Secretary, indicated last year that the UK would not oppose a further EU ban on bee harming pesticides.*

*This Council notes these changed circumstances since the last debate on this issue in July 2016 and now resolves to strengthen its excellent pollinator strategy, by banning bee harming pesticides on all land under its control.*



**22     Traffic on A35 at Wilmington**

Councillor Shaw to move:

*The County Council expresses its concern about the effects of heavy traffic on the A35 on the people of Wilmington, East Devon, and other communities along the route. The Council notes that Highways England commissioned a report which recommended remedial measures for Wilmington, including two pedestrian crossings, which was published in April 2015, but three years later no decisions have been made to introduce any of these measures. The Council urges Highways England to give greater priority to improvements in Wilmington as a matter of urgency.*

**23     Gender Pay Gap in Devon**

Councillor Atkinson to move:

*This Council is concerned about the gender pay gap in Devon (details available from the ONS gender pay gap website.) and understands that it needs to carry out further research into what is causing it and what needs to be done to address it for instance is it as a result of the concentration of women in occupations with lower hourly pay and/or part-time work. the so-called “glass ceilings”, fundamental stereotyping in gender roles in our societies from birth that lead to gendered economic roles and outcomes.*

*In view of cross party concern not only about gender pay gap but ethnicity and disability pay gaps this Council should review the ECHR report and recommendations set out in ‘Fair opportunities for all – A strategy to reduce pay gaps in Britain’ and other recent and planned reports and develop an action plan for Devon*

*Further the Council recognises that addressing these pay gaps is a fundamental part of improving productivity and economic outcomes for all and will ensure that this issue and research is included in the work of the Heart of the South West Joint Committee.*

## **24     Adult Social Care Sector - Workforce Issues**

Councillor Atkinson to move:

*This Council supports the findings of the Public Accounts Committee whose report of 9th May concluded*

*The adult social care sector is underfunded, with the care workforce suffering from low pay, low esteem and high turnover of staff. The care sector is in a precarious state but the Department of Health and Social Care (the Department) has not yet said how it intends to put in place a long-term, sustainable funding regime to meet the ever-increasing demand for care. The Department does not know whether the ways that local authority's commission care, and the prices they pay providers, are contributing to the problems within the care workforce. We are not convinced that the lack of regulation within the care sector workforce and the balance of regulation versus a market-based approach, is supporting the care sector to provide the best care possible. The UK's departure from the EU is causing uncertainty over how the workforce will be sustained, particularly in areas that are more reliant on non-UK workers. There is an urgent need to reverse the poor public image that care work must boost recruitment and retention across the care sector. We are also concerned that the move to supporting people with substantive and critical care needs only is contributing to growing levels of unmet need for people with moderate care needs. These moderate needs may well grow into substantial or critical needs if support is not given. The Department has committed to addressing all these issues through the health and care workforce strategy that it is currently consulting on, and the promised Green Paper on funding of care for older adults. But given the pressures on the sector, we are concerned that the Department sees the Green Paper as a cure all and underestimates the scale of the challenge. The Department must ensure that its delivery partner, Skills for Care, is properly supported and funded to implement the workforce strategy.*

*And resolves to write to all Devon M.Ps to support cross party working to solve the crisis in social care health and care workforce and funding*

## **25     Grammar Schools and Additional Funding**

Councillor Greenslade to move:

*County Council expresses its concern at the Government's announcement of an extra £50 million to allow existing Grammar Schools to extend their premises and take on more pupils while Devon Schools remain significantly underfunded compared to the national average.*

*Accordingly the County Council writes to all Devon MP's asking them to oppose this proposal in favour of providing more funding to Devon Schools.*

## **26     Scrutiny Call-in and Meeting Timescales**

Councillor Connett to move:

*Members and Officers be reminded that a call in for scrutiny requests the Chief Executive to convene a meeting within five working days of the request being made. Part 4 article 17.4 of the DCC Constitution refers.*

*Therefore the County Council confirms that the requirement to convene a meeting to consider a call in be strictly adhered to unless those members requesting a call in agree to an alternative way of dealing with a call in request.*

## **27     Customs Union and Sarah Wollaston MP Campaign**

Councillor Brazil to move:

*County Council supports the UK remaining in the Customs Union and welcomes and congratulates Sarah Wollaston MP on the strength and clarity of her campaigning in support of the UK remaining in the Customs Union.*

*Therefore County Council recommends all Devon MP's support Dr Wollaston position.*

## **28     Stagecoach Southwest and Increased Fares**

Councillor Brennan to move:

*'This Council condemns the decision by Stagecoach Southwest to remove the £1 child add-on fares, replacing them with child single or dayrider tickets.*

*In Exeter, this decision has resulted in a 200% increase in fares for children aged 5-15 who are travelling with an adult. Before 29th April 2018, a parent and child could travel together all day for £4.90, but this has now increased to £7 (£4 for an adult dayrider plus £3 for a child dayrider) – a total increase of £2.10, or 43%. Similarly, an adult travelling with two children could previously travel all day for £5.90, but this now requires a group dayrider of £8 – again, an increase of £2.10. Similar significant increases have also taken place across Devon.*

*This action by Stagecoach hits the poorest families hardest, including single parent families and those unable to afford a car. As the majority of single parents are women, and most adults travelling alone with children are likely to be women, the action disproportionately impacts women more than men.*

*This action also undermines Stagecoach's supposed commitment to working with Devon County Council to reduce traffic congestion and improve air quality, pushing higher numbers of families into cars for city journeys as it may be cheaper, and therefore also increasing Devon's contribution to climate change. Furthermore, Devon County Council's work to increase the take up of sustainable methods of transport to school, and to increase safety around schools by reducing vehicle numbers, is also largely undermined and threatened by this move.*

*Additionally, there is a negative economic impact towards businesses in central areas, as more people choose to take their cars to out-of-town shopping areas, further depleting our high streets and lessening the viability of independent businesses.*

*This change took place without informing or consulting with councillors or passengers. A petition has been handed to Stagecoach Southwest regarding the increase in Exeter. It contains over 1700 signatures from concerned families and other residents, and calls upon Stagecoach Southwest 'to consider their social and environmental responsibilities, to reverse this decision, and to retain the £1 child add-on tickets'.*

*In accordance with what thousands of concerned families are telling us, this Council resolves to put pressure on Stagecoach Southwest to reverse their recent decision, and to bring back the £1 child add-on fares with immediate effect.'*

*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/>

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### Mobile Phones

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Induction loop system available

# Council Chamber Seating

MAY 2018

