

*County Council  
Thursday, 24th May, 2018*

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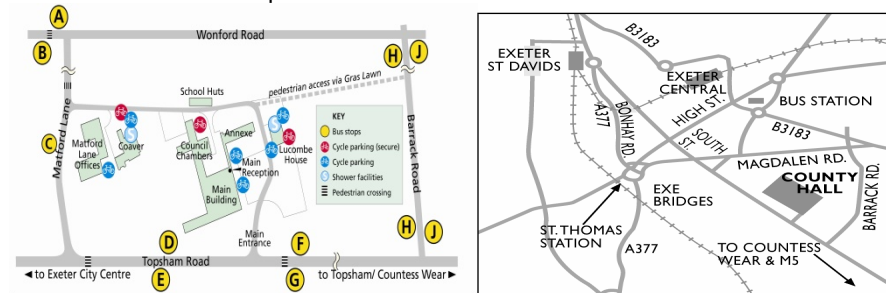
### Car Sharing

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NB   Denotes bus stops

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### First Aid

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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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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.

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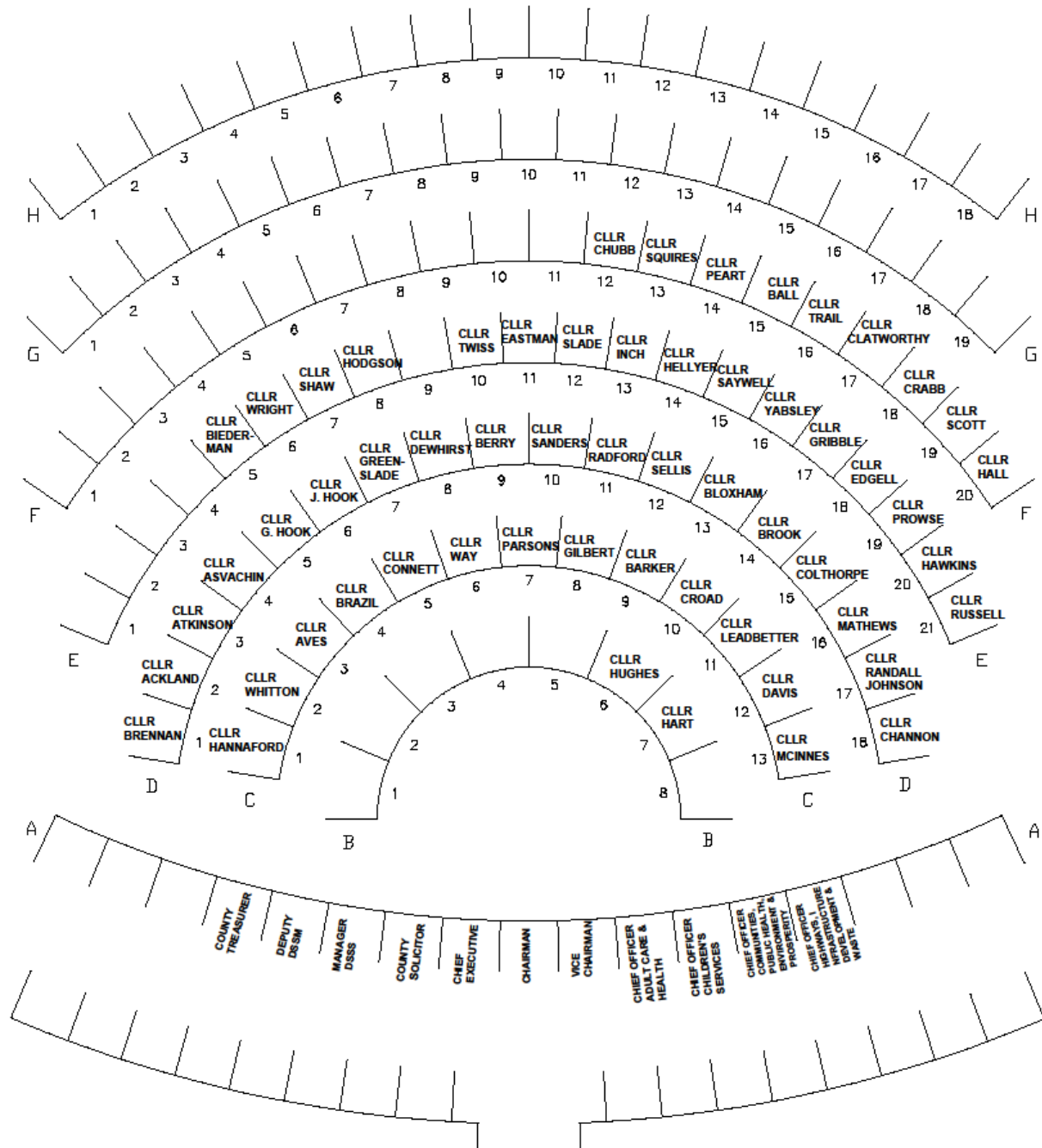
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Induction loop system available

# Council Chamber Seating

MAY 2018



## COUNCIL

15 February 2018

### Present:-

Chair: R Radford

Vice-Chair: R Edgell

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

### Apologies:-

Councillors J Hodgson, P Prowse and R Scott

## 67 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 7 December 2017 be signed as a correct record.

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

## 68 Announcements

The Chair reported on the recent sad passing of former County Councillor and Leader of the Council David Morrish, who had served as a Councillor for 31 years representing the Heavitree and Wonford areas. He had also been a City Councillor for 28 years.

A minute silence was held as a mark of respect and to pay tribute to Mr Morrish.

The Chair further announced the forthcoming retirement of John Smith, the Council's Head of Organisational Development. The Council thanked Mr Smith for all he had done to contribute to the success and strength of the Council and wished him well.

## 69 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

## 70 Public Participation: Petitions, Questions and Representations

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

In accordance with the Council's Public Participation Rules, the Council received and acknowledged verbal representations made by Ms A Simmons in support of Councillor Shaw's Notice of Motion on Brexit, the single market and customs union, later on the agenda for the meeting. The Chair responded, thanking Ms Simmons for her contribution.

## 71 Petitions from Members of the Council

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

# Agenda Item 6

2  
COUNCIL  
15/02/18

## 72 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members and Committee Chairs provided written responses to 18 questions submitted by Members of the Council relating to whether there was any impact on the pension scheme as a result of the recent collapse of Carillion, numbers of machines for painting lines/markings on the highway, the performance management of the new highways contract, figures on the outstanding numbers of potholes and any reinstatement failures, the numbers of claims made for damage to vehicles arising from potholes and road defects, the Lengthsmen service and employment figures, the Council's highways maintenance contractor and Pothole Action Fund schemes, adoption of new roads in Teignbridge, S38 agreements, the period of time for road adoption, any actions that could speed up the process for roads adoption including the involvement of other parties, any required legislative changes, and the Council's response to the Department for Transport Advice Note on Highways Adoptions (April 2017). Other questions related to the Joint Local Plan (2014 – 2034) and provision for roadside residents and lastly the position of the Chair of the Council.

The Leader, relevant Cabinet Members and Chairs of Committee also responded verbally, as appropriate, to any supplementary questions arising therefrom.

*[A copy of the questions and answers are appended to the minutes and any supplementary questions and answers may be observed through the webcast of this meeting]*

## 73 Treasury Management Strategy 2018/2019

The Council considered the recommendations of the Cabinet and Corporate Infrastructure and Regulatory Services Scrutiny Committee held on 9 February and 31 January 2018 respectively relating to the adoption by the County Council of the proposed Treasury Management Strategy for 2018/19, prior to determination of the budget for that year.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendation of the Cabinet and of the Corporate Infrastructure and Regulatory Services Scrutiny Committee be approved and the Treasury Management and Investment Strategy for 2018/19 commended at Minutes 125 and \*49 of the above respectively, be endorsed.

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

## 74 Revenue Budget, Medium Term Financial Strategy & Capital Programme

*[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension.].*

(Councillor Atkinson declared a personal interest in this item by virtue of being a Devon County Council representative on Citizens Advice Exeter)

The Council considered the recommendations of the Cabinet held on 9 February 2018 relating to the Revenue Budget for 2018/19, the Medium Term Financial Strategy to 2021/22 and the Capital Programme 2018/19-2022/23 as set out at Minute 125 of that meeting, together with the Report of the County Treasurer (CT/18/11) which included an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment of the risks associated with the budget strategy and how those would be managed, comprising in detail:



Introduction	
Appendix A	- Specimen Statement on Robustness of Budget Estimates & adequacy of the County Council Reserves
Appendix B	- Revenue Budget 2018/19
Appendix C	- Summary Revenue Budget 2018/19
Appendix D	- Medium Term Financial Strategy 2018/19 -2021/22
Appendix E	- Risk Analysis of Volatile Budgets
Appendix F	- County Fund Balance and Earmarked Reserves for 2018/19
Appendix G	- Capital Programme 2018/19 - 2022/23
Appendix H	- Treasury Management Strategy & Prudential Indicators 2018/19 – 2022/23
Appendix I	- Fees and Charges

The County Treasurer's Report (CT/18/11) and accompanying detailed service budgets and spending plans incorporated additional spending in the sum of £6.5millions for Highways, as suggested by the Council's Scrutiny Committees and also £2.2millions for adult care support services, as proposed at the Cabinet on 9 February 2018.

The Council also had before it the overview of impact assessments relating to the 2018/19 budget; which had been circulated and drawn to the attention of all Members of the Council for the purposes of the consideration of the budget by Scrutiny Committees, by the Cabinet and by this County Council. This was in order that Members might have access to all necessary equality impact assessments, including specific impact assessments undertaken as part of the budget's preparation so that they might, in turn, have full regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty in considering the proposals and their impact, before making a decision on the budget. The Impact Assessment had been circulated to Members prior to this meeting, together with all assessments published in relation to the budget, and was available at <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 23rd, 25th and 31st January 2018 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Chair of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

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

The Chair then indicated that he would exercise his discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that Cabinet Minute 125 (a) – (u) setting out the proposed revenue and capital budgets as detailed in Report (CT/18/11) be approved.

In commending the proposed budget to the Council, the Leader commented this was the ninth year of reduced spending for Devon and the grant from Government in its current form would be phased out by 2020. He added that the business rates pilot funding was unknown beyond the forthcoming financial year and spend should be used for growth. He commended the budget to the Council as one that supported the old, young and the vulnerable.

The Cabinet Member for Resources & Asset Management highlighted that the Local Government financial settlement was £122.492 millions, in line with expectations. He also reported that the Authority, in partnership with the eight Devon District Councils and two Unitary Councils, had been selected to become a Business Rates Pilot in 2018/19. He

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reiterated that Devon's settlement still reflected historic low levels of funding with inadequate funding levels in a number of areas; between urban and rural areas, in public health and also education funding.

He further outlined the total revenue budget of £511.841 millions and service budgets totalling £477.391 millions and the overall capital programme for 2018/2019 as £105.640 million.

Service budgets included Children's Services at £125.487 millions (an increase of 5.5% from 2017/18), Adult Care and Health at £227.851 millions (an increase of 6.1%), Communities, Public Health, Environment and Prosperity Services was £34.727 millions (a reduction of 2.3%), Corporate Services base budget of £34.618 millions (an increase of 1.7%) and Highways, Infrastructure Development and Waste Services at £54.708 millions (a reduction of 2.7%).

The Cabinet Member further confirmed £10,000 for each Member in respect of locality budgets, a further £10,000 for capital schemes and also the continuation of the Town and Parish (TAP) fund, to be renamed the 'Communities Together Fund'.

The budget included a 2% increase in the Social Care precept for 2018/19. Authorities were allowed to increase the Social Care precept by no more than 3% per annum (but no more than 6% over the period 2017/18 to 2019/20). The Council had increased the Adult Social Care Precept by 3% in 2017/18. If the Adult Social Care Precept increased by 2% in 2018/19 then there could only be a 1% increase in 2019/20. The settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2018/19; an increase of 1%, therefore the proposal was for a 2.99% rise as well as the Social Care Precept of 2%.

A Band D Council Tax would, if the budget was approved, increase by 4.99% to £1,331.19p. The Council Tax requirement for the Council was £382,118,036.26 and re-iterated that the s151 Officer had also confirmed that it represented a sound and achievable finance plan for 2018/19.

The Leader of the Council paid tribute to and expressed his gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2018/19 in light of the delay in the final announcement by Government of the financial settlement and grants.

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Connett **MOVED** and Councillor Brazil **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*"Devon Liberal Democrats have campaigned for much needed extra investment in our highways and welcome the additional £6.5 million to repair Devon's roads and highways drainage.*

*We hope Devon County Council and its contractors will rise to the challenge of fully utilising the new funding in light of last week's announcement that 1 in 3 of the Pothole Action Fund schemes would be delayed, along with £800,000 expenditure, until the next financial year.*

*While welcoming the limited additional funding secured from Government for schools and care services in Devon, the continuing struggle to maintain the provision of good quality services becomes harder.*

*Devon's Members of Parliament can do more to stop the County being 'short changed' by this Government. While saying they are willing to vote against investment in the new HS2 rail infrastructure, Conservative MPs appear unwilling to use their power to secure fair funding for Devon, especially our schools and care services.*

*Against this backdrop, it is understandable, though avoidable, that Council Tax for Devon County Council is proposed to increase by **£18.1million or 4.99%** from April. Combined with increases for City, District and Borough councils, the Police and the Fire Service, the joint impact on households is, once more, punishing.*

*Short-changing Devon simply passes the burden to the County's residents. In effect, the Government is balancing the books on the backs of hard-pressed families and the poorest. Overall, the Council Tax burden in Devon for an average Band D property could see an extra £80 paid each year – around £7 a month.*

*We propose:*

- 1. Restoring £223,000 to protect Young People's Mental Health services by scrapping the cut planned by Devon's Conservatives from the Public Mental Health budget.**
- 2. Adding £500,000 for the education of children with special educational needs.**
- 3. Supporting our schools, teachers and children by returning the £2.2million cut from the Devon schools budget this year by Conservatives at County Hall.**
- 4. Creating a hardship fund of £50,000 to support young people in Post-16 education with home to college travel.**

**We will fund this investment of £2,973,000 million by:**

- 1. Cutting waste currently being allowed by County Hall and efficiency savings:**
  - **Save £750,000** by cutting the budget for expensive consultants and stand-in managers
  - **Cut spending on media, public relations and advertising by £850,000**
  - **Reduce spending on room hire and save £ 260,000**
  - **Save £64,000** from car allowances when it is clear 143 staff use their cars very little for work purposes. Most drive less than 10 miles a week, with 23 driving fewer than 2 miles a week on council business!
- 2. Transferring £899,000 a year from the Economic Development budget into the higher priorities.**

*A strong and vibrant economy is vital for Devon, which needs to be not only open for business but fit for business with good roads, good education and a reputation as a county that cares.*

*We believe a new approach is needed to drive economic development, seeing the city, district and borough councils and the Local Enterprise Partnership as the driving force, with support from Devon County Council.*

*Costs for the transformation of the Economic Development service will be charged to the council's **Service Transformation Reserve, currently at £11.9 million.***

- 3. Saving a further £150,000 from the Development Management service and seeking stronger planning partnerships with Devon's Local Planning Authorities and**

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*neighbouring county and unitary councils to create cut costs through shared service arrangements.*

## **Council Tax on Second Homes**

*There is concern that second homes, left empty, have a negative impact on communities and that some owners may avoid Council Tax by 'flipping' to Business Rates and then seek exemption from payment.*

*We call on Devon County Council to take the lead working with all local authorities in the South West, calling on Government to urgently review Second Home Council Tax to ensure the system is robust and that much needed revenue is not lost, placing an even bigger burden on local residents.*

Councillor Hannaford **MOVED** and Councillor Atkinson **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*The Labour Group wish to focus on two key themes of Prevention and Resilience, hence the submission of two separate budget amendment focusing on each of those key themes.*

*In order to strengthen the Prevention agenda the Council should;*

- 1. allocate £500,000 from the Business Rates Retention Pilot to Early Intervention Work.*
- 2. allocate £100,000 from the Business Rates Retention Pilot to Social Workers Professional Development.*
- 3. allocate £250,000 from the Business Rates Retention Pilot to Social Worker Caseload Reduction.*
- 4. allocate £200,000 from the Business Rates Retention Pilot to Suicide Prevention Work.*
- 5. allocate £200,000 from the Business Rates Retention Pilot to Teenage Risk Pathway work.*
- 6. allocate £230,000 from the Business Rates Retention Pilot to Young Peoples Mental Health.*
- 7. allocate £400,000 from the Business Rates Retention Pilot to Domestic Abuse and Sexual Violence prevention work, with a specific focus on work with perpetrators and supporting children and young people.*
- 8. allocate £500,000 from the Business Rates Retention Pilot to Public Health.*

Councillor Hannaford then **MOVED** and Councillor Ackland **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*In order to strengthen the Resilience agenda the Council should;*

- 1. allocate £400,000 from the Business Rates Retention Pilot to Citizens Advice Devon.*
- 2. allocate £200,000 from the Business Rates Retention Pilot to the Healthy New Towns initiative.*
- 3. allocate £500,000 from the Business Rates Retention Pilot to develop Children's Centres Community Service Delivery.*
- 4. allocate £30,000 from the Business Rates Retention Pilot for an InSourcing Council Services Feasibility Study.*
- 5. allocate £400,000 from the Business Rates Retention Pilot to support Special Educational Needs Employment and Skills.*
- 6. allocate £300,000 from the Business Rates Retention Pilot to increase members individual locality budgets from £10,000 to £15,000.*
- 7. allocate £ 40,000 from the Business Rates Retention Pilot for an Alternative Social Care Delivery Models Feasibility Study.*

Councillor Biederman **MOVED** and Councillor Wright **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended as detailed below and all necessary changes be made to the detailed budgets at 125(a) – (u):

*A - That this Council does not put a further £5millions into reserves, at the same time as asking hard pressed, low paid Devon residents to pay more council tax for fewer services than ever before.*

*B – that part of the five millions issued to maintain the level of pay for all Devon's Foster Parents, so no one sees a drop in their income.*

*C – That part of the five millions is used to maintain numbers of Health Visitors so that no posts are made redundant.*

*D – that part of the five millions is used to maintain the schools counselling services, currently likely to be lost via the public health budget*

*E - that this council writes an open letter to Devon MPs expressing deep disappointment with those who voted in favour of cuts to Devon's council core funding*

*F - that any remaining monies as part of the £5millions or any other money extra coming from the business retention scheme is transferred to repairing pavements in our city, town & Village Centres to encourage their economy and prevent Slips, trips and falls.*

Thereafter, the matter having been debated and the proposals, options and/or alternatives set out in the amendments referred to above having been explored, argued and considered alongside all other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Prevention) was then put to the vote and declared **LOST**.

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Resilience) was then put to the vote and declared **LOST**.

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Abstain from voting Councillor Atkinson (Total: 1)*

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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the Motion, Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Against the Motion, Councillors Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Way, Whitton and Wright: (Total: 15)*

## 75 **Pay Policy Statement 2018/2019**

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2018 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2018/19.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2018/19 (and consequential changes to the Council's Constitution) as set out at Minute 36 of that Committee be endorsed and the Constitution amended accordingly.

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

## 76 **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:

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## **(a) Policy & Corporate**

Councillor Hart commented, as requested by Councillor Shaw on the request and refusal of permission for the Devon for Europe campaign to use the grounds of County Hall for a rally on 24th March 2018 and also responded to questions on peaceful protests and the use of the campus generally.

## **(b) Adult Social Care and Health Services**

Councillor Leadbetter circulated a report, as requested by Councillor Hannaford on Continuing Health Care Funding and also on progress being made to develop Wellbeing Hubs across Devon, as asked for by Councillor Aves. He further reported on Accountable Care Organisations, as requested by Councillor Greenslade.

With regard to Continuing Health Care Funding, it was noted that the CCGs and Adult Social Care had agreed joint practice guidance, process and training, meaning that people in Devon should receive an appropriate package of support whilst any issues relating to CHC funding were resolved.

The Cabinet Member added that, in respect of Wellbeing Hubs, the Council worked in partnership with the NHS in its approach to community wellbeing and that the Hubs were part of a wider programme of development of community services. Examples given included CoLab in Exeter, Torrington Hub, the Budleigh Salterton Health and Wellbeing Hub and progress on new centres in Chudleigh, Bovey Tracey, Teignmouth, Ashburton and Dartmouth.

On accountable care systems the Cabinet Member referred to a recently circulated briefing note for all Members of the Council, which gave an explanation of Integrated Care Systems and collaborative working between a range of health and social care organisations, in terms of sharing working practices such as budgets, staff and resources where appropriate. The Cabinet Member clarified the work in terms of an Integrated Care System rather than an Integrated Care Organisation.

## **(c) Highways Management**

Councillor Hughes commented, as requested by Councillor Connett on the planned improvements to the environment and enhancing safety for all road users Powderham, progress on improving the A379 through Starcross to better manage traffic flows, the assessment of Mamhead Road for increased use by light traffic, and the potential to impose a weight restriction or ban 'non access' HGVs from the route and the increase in traffic using Doctors Walk and Balls Farm Road and action of the Council to ensure it was a safe route for children and cyclists.

He also responded to questions on a recent survey in respect of vehicles using Doctors Walk and Balls Farm Road.

## **(d) Infrastructure Development and Waste**

Councillor Davis circulated a report, on subjects requested by Councillor Connett on the Bridge Road completion of works and those still to be undertaken, the delayed provision of the planned Marsh Barton Rail Station and the impact on the economic growth of Exeter and Teignbridge, the impact on traffic through Alphington/Marsh Barton and on Bridge Road, and the delivery of the South West Exeter development and delivery of a new rail station at Exminster.

The Cabinet Member's Report outlined that the Works Completion Certificate for Bridge Road was issued on 27th October 2017. Furthermore, the Council was continuing to work on reducing costs and securing additional sources of funding from the DfT and Network Rail in



relation to Marsh Barton station. Also, that in the planning of Marsh Barton and timetabling works meant that the Council did not consider a rail halt at Exminster to be feasible.

She also responded to questions on communication with Teignbridge District Council on Local Plans and vehicles on Bridge Road crossing three lanes of traffic from side entrances.

## **(e) Children's Services and Schools**

Councillor McInnes circulated a report, as requested by Councillor Hannaford on work being done with education and training providers, the public and private sectors, and voluntary and charity groups, to promote education, employment and independence for local people with special needs and any links to the Joint Committee's Productivity Plan.

He further reported on the number of private Children's Homes in Devon; which authorities had oversight of the homes and which were responsible for ensuring residents attended school and the provision of 'parental oversight', particularly in leisure time, as requested by Councillor Connett.

## **(f) Community, Public Health, Transportation and Environment**

Councillor Croad commented, as requested by Councillor Asvachin on the use of bus passes before 9.30am for people with disabilities who need to get to work or places of education. The Cabinet Member outlined that the Council provided free bus travel under the terms of the National Bus Pass scheme for eligible residents which allowed free travel after 0930 Monday to Friday and anytime at the weekend. The current budget for the scheme in 2017/2018 was £9,265,000. The Council recognised the need for people with disabilities to travel independently and outlined the 'companion pass' and also the Independent Travel Training programme for young people.

He responded to questions on equality impact assessments and the duties of Local Authorities and undertook to look at the reported issues for renewing companion passes.

## **(g) Resources and Asset Management**

Councillor Clatworthy circulated a report, as requested by Councillor Atkinson on the lessons that may be learned from Northamptonshire County Council who recently issued a section 114 notice. The Cabinet Member explained that a section 114 notice was served when it appeared to the section 151 Officer that the expenditure of the authority incurred or proposed to be incurred in a financial year was likely to exceed the resources available to meet that expenditure.

77

## **Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved, including changes to the Constitution under minutes 19 and 20 of the Procedures Committee Minutes.

Appeals Committee	-	11 December 2017, 8 January 2018 and 5 February 2018
Appointments & Remuneration Committee	-	15 December 2017 and 15 January 2018
Development Management Committee	-	24 January 2018
Procedures Committee	-	6 February 2018

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Children's Scrutiny (ordinary meeting)	-	23 January 2018
Health & Adult Care Scrutiny (ordinary meeting)	-	25 January 2018
Corporate Infrastructure & Regulatory	-	31 January 2018
Services Scrutiny (ordinary meeting)		

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

78

## **EU Law - Animal Sentience (Minute 63 - 7 December 2017)**

Pursuant to County Council Minute 63 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

*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'.*

and having had regard to the advice of the Cabinet set out in Minute 110 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that spirit of the Notice of Motion be approved and;

(a) the Council write to the Secretary of State (Michael Gove) stating that it 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;

(b) that the subsequent publication of the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill be noted; and

(b) that, as a predominantly rural area where farming and agriculture are of critical importance to the local economy, the Council strongly backs the calls from the British Veterinary Association and others to commit to an appropriate timeframe giving certainty to the reinstatement of the protocol in Article 13; not only recognising animal sentience but also enshrining a duty of responsibility on the state for animal welfare.

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.

79

## **Council Budgets - Vulnerable Young and Elderly Residents (Minute 66 - 7 December 2017)**

Pursuant to County Council Minute 66 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

*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.*

and having had regard to the advice of the Cabinet set out in Minute 112 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted as well as the spirit of the original motion and in recognising the considerable financial pressure placed on Local Government and also various lobbying activities undertaken by the Council in recent years, and the events planned for the new year, it is important to maintain the impetus, therefore, in support of the Notice of Motion, Council will write a cross party letter, signed by Group Leaders, to go to Devon MPs and the Minister to highlight this growing problem for vulnerable young and elderly residents.

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.

80

**Post Brexit Arrangements (Membership of the European Single market and Customs Union) (Minute 65 - 7 December 2017)**

Pursuant to County Council Minute 65 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

*This County Council respects the majority vote in the Country 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.*

and having had regard to the amendment of the Cabinet set out in Minute 113 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that Notice of Motion be not approved at this time, namely;

(a) that the opportunities and impacts from BREXIT on the Devon economy be noted; and

(b) that the Council are assured that Cabinet will continue to assess the impacts and other implications for the Devon economy as details become more understood on the future arrangements agreed between Government and the EU Commission for trade and the labour market.

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

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of;

(c) that the Council lobbies Government to secure the trade, customs and migration arrangements with the European Union which will do least damage to the economy of Devon.

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Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the vote be taken as a recorded vote.

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

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

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

## 81 Accountable Care Systems

Councillor Shaw **MOVED** and Councillor Wright **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Shaw be considered at this meeting.

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

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED**;

*'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'.*

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

## 82 Sunset for the Royal Marines and Future Resilience

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

*'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'.*

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 K Browse (Chair of Association of Parish Councils).

*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-tv/core/portal/home>]*

The Meeting started at 2.15 pm and finished at 6.18 pm

## INVESTMENT AND PENSION FUND COMMITTEE

23 February 2018

### Present:-

#### Devon County Council

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

#### Unitary and District Councils

Councillors J O'Dwyer (Torrey Council) and M Hicks (Exeter LGA)

#### Other Employers

D Healy

#### Unison and Retired Members: Non-Voting Observers

R Franceschini, C Lomax and J Rimron

#### Attending in Accordance with Standing Order 8

Councillor J Hodgson

### Apologies:-

Councillors P Edwards and L Parker-Delaz-Ajete

\* 36

### **Standards Committee**

The Chair welcomed Mr Hodgins who was attending the meeting in his capacity as a Co-opted Member of the County Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* 37

### **Minutes**

**RESOLVED** that the Minutes of the meeting held on 17 November 2017 be signed as a correct record.

\* 38

### **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 39

### **Brunel Oversight Board**

The Committee received the Minutes of the Brunel Oversight Board meetings held on 24 November 2017 and 18 January 2018.

\* 40

### **Notice of Motion (County Council Minute 64/7 December 2017) "Pension Funds and Fossil Fuel Companies" and Environmental, Social and Corporate Governance Policy**

(Councillor J Hodgson attended the meeting in accordance with Standing Order 8 and spoke to this item)

The Committee considered the Report of the County Treasurer (CT/18/19) on a Notice of Motion on "Pension funds and Fossil fuel companies" submitted to the County Council on 7th December 2017 by Councillor Hodgson which had been referred to the Cabinet in accordance

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INVESTMENT AND PENSION FUND COMMITTEE  
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with Standing Order 8(2), and then referred by the Cabinet to the Investment and Pension Fund Committee for its consideration and report, as detailed below:

*“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”.*

In addition, and because of a significant number of representations being received by members of the Committee and other Councillors in relation to investments in fossil fuel companies, the Committee had requested at its meeting on 17 November 2017 that a report be brought to a future meeting to enable it to review the current “ethical” investment policy. It was therefore timely to consider the Notice of Motion alongside these deliberations.

The Devon Pension Fund had set out its policies on Environmental, Social and Corporate Governance (ESG) within its Investment Strategy Statement (ISS) and last reviewed by the Committee in February 2017, when a new ISS had been approved.

The Report addressed, in detail, the issues raised both by the Council Motion and the concerns raised at the last Committee meeting, and proposed a way forward.

The County Treasurer reported that the Brunel Pension Partnership was cognisant of the social, environmental and governance issues and policy adopted by this Committee.

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

## **RESOLVED**

(a) that the Committee reaffirms that the Devon Pension Fund is committed to being a responsible shareholder;

(b) that the Committee recognises the risks associated with Social, Environmental and Governance issues, such as investment in fossil fuels, and affirms that it will expect its appointed investment managers and the Brunel Pension Partnership to assess the associated risks and take them into account in their investment decisions;

(c) that the Devon Pension Fund will seek to engage (through the Brunel Pension Partnership, its asset managers, the Local Authority Pension Fund Forum, or other resources) with companies to ensure they can deliver sustainable financial returns over the long-term as part of comprehensive risk analysis;

(d) that the Devon Pension Fund takes the required action to become a tier 1 signatory to the UK Stewardship Code, and the revised Section 6 of the Investment Strategy Statement (as detailed in the Report) be approved;

(e) that the Devon Pension Fund becomes a member of the International Investors Group on Climate Change (IIGCC);

(f) that over the next 12 months, in liaison with the Brunel Pension Partnership Ltd, Officers further develop reports on stewardship and the carbon footprint of the Fund's investments to be brought to the Committee on a regular basis; and

(g) that, in light of the resolutions above, including the commitment to assess associated risks of the Fund's investment in fossil fuels, in accordance with the Committee's fiduciary duty, and in line with the policies relating to Environmental, Social and Corporate Governance (ESG) in the Investment Strategy Statement (ISS) which is subject to regular review, the Council is asked to note the actions of the Investment and Pension Fund Committee and as a result take no further action on the Notice of Motion.

*[Note: In accordance with Standing Order 32(4) Councillor Connett requested that his abstention from the vote be recorded.]*

*The non-voting representatives requested that their support for the vote taken be also recorded]*

\* **41**      **Investment Management Report**

The Committee considered the Report of County Treasurer (CT/18/20) on the Fund value, allocations and performance against the benchmark, budget forecast monitoring and cash management, and engagement activity. The Fund value at 31 December 2017 stood at £4, 218.7 million, an increase of around £140 million over the quarter and £290 million since 31 March 2017.

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

**RESOLVED**

(a) that the Investment Management Report and compliance with the 2017/18 Treasury Management Strategy be noted; and

(b) that the Strategic Asset Allocation for 2018/19 be amended as set out in the Report and the Investment Strategy Statement be revised accordingly.

\* **42**      **Treasury Management Strategy 2018/19**

The Committee considered the Report of the County Treasurer (CT/18/21) on the Treasury Management Policy Statement together with a statement of its 'Treasury Management Practices' (TMPs). In December 2017, the Chartered Institute of Public Finance and Accountancy had published a revised Code of Practice for Treasury Management. An amended version of the TMPs was therefore being brought to this Committee for consideration.

The policy required the Investment and Pension Fund to consider a treasury strategy report, setting out the strategy and plans to be followed in the coming financial year. The Report set out proposed revised Treasury Management Practices and Treasury Management and Investment Strategy.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor O'Dwyer and

**RESOLVED** that the revised Treasury Management Practices as set out in Appendix 1 and the Treasury Management Strategy for 2018/19 (as set out in Appendix 2 of Report CT/18/21) be adopted.

\* **43**      **Actuarial Services Procurement**

The County Treasurer reported that the extended evaluation of tenders for the provision of actuarial services to the Devon Pension Fund.

In accordance with the results of the evaluation the County Treasurer, in consultation with the Chair of the Committee, had awarded the contract to Barnett Waddingham, the Fund's current Actuary for a further 6-year period from February 2018.

\* **44**      **Applications for Admitted Body Status**

The Committee noted that the following application for admitted body status had been

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approved under delegated powers: Torbay Council with Libraries Unlimited for the provision of library services from 1 April 2018, there were 50 staff currently in the LGPS and admission would be on a closed basis.

\* **45**      **Annual Consultative Meeting with Staff and Retired Members**

The Committee noted the Annual Consultative Meeting was being held in the afternoon following the meeting, commencing at 2.15pm to which members were invited. Presentations would be made by Dawn Turner and Matthew Trebilcock from the Brunel Pension Partnership, Mark Gayler, Assistant County Treasurer, and Charlotte Thompson, Head of Peninsula Pensions.

\* **46**      **Dates of Future Meetings**

15 June, 14 September, 16 November 2018, 22 February 2019, and 31 May 2019, (all at 10:30am)

The County Council's Calendar available at:  
<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

\* **47**      **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.

\* **48**      **Brunel Business Case and Reserved Matters Requests**

(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 noted the Report of the County Treasurer (CT/18/22) on reserved matters requests received from the Brunel Pension Partnership and which had been given share holder consent.

\* **49**      **Transition of Assets to the Brunel Pension Partnership**

(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/18/23) on the proposed transition of the Fund's assets across to portfolios to the Brunel Pension Partnership Trust and initial actions required.

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

**RESOLVED**

(a) that the outline transition plan described in the Report CT/18/23 and the initial allocations set out in Appendix 1 of Report be approved;



(b) that the County Treasurer be authorised to terminate the contracts of the Devon Pension Fund's currently appointed passive equity managers (UBS and State Street Global Advisors) at the appropriate time and liaise with the Brunel Pension Partnership Ltd to arrange the transition of the assets under their management to the Brunel portfolios as set out in Report CT/18/23;

(c) that following the transition of passive equity assets to the Brunel portfolios the County Treasurer be authorised to continue to move funds invested in UK passive equities to global passive equities on a phased basis, in accordance with the trigger points set out in the Report;

(d) that further reports be brought to this Committee to authorise the transition of the remainder of the Fund's assets at the appropriate times;

(e) that should Brunel's transition timetable be advanced such that an urgent decision is required, the County Treasurer in consultation with the Chairman be authorised to terminate relevant contracts and arrange the transition of assets in line with the outline transition plan; and

(f) that a new allocation of £75 million to infrastructure as set out in the Report to be sourced via Brunel, be approved.

\* 50

## **Pending Court Case**

(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 noted the Report of the County Treasurer (CT/18/24) on potential legal proceedings against an individual for alleged financial irregularities. The County Treasurer undertook to bring to a future meeting a report on powers to reclaim pension awards issued as a result of fraud or error.

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

The Meeting started at 10.30 am and finished at 12.20 pm



## APPEALS COMMITTEE

5 March 2018

### Present:-

Councillors H Ackland, J Hawkins, C Slade (Chair) and P Twiss

### Apologies:-

Councillors G Hook

\* 97

### **Minutes**

**RESOLVED** that the minutes of the meeting held on 5 February 2018 be signed as a correct record.

\* 98

### **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.

\* 99

### **Budget Monitoring**

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

The Committee received the Report of the Head of Services for Communities on the financial impact of the Committee's decisions for the current financial year 2017/18.

\* 100

### **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 appeal was outstanding pending a Members' route walk, with a rearranged date to be fixed as soon as possible:

ST 102 Tawstock – Barnstaple The Park School.

\* 101

### **School Transport Appeals**

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

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

ST 104                      Torrington - Northam St George's CE                      Local County Councillor

# Agenda Item 15b

APPEALS COMMITTEE  
5/03/18

ST 105	Sticklepath Primary – Fremington CP	-
ST 103 AS ) ST 103 JS ) ST 103 MS)	South Milton - Kingsbridge CP	Appellant and friend

**RESOLVED** that the following appeal(s) be allowed:-

ST 104	Torrington - Northam St George's CE
ST 105	Sticklepath Primary – Fremington CP
ST 103 AS ) ST 103 JS ) ST 103 MS).	South Milton - Kingsbridge CP

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

The Meeting started at 10.00 am and finished at 12.35 pm

## APPEALS COMMITTEE

16 April 2018

Present:-

Councillors J Hawkins (Chair), G Hook, C Slade and P Twiss

Apologies:-

Councillors H Ackland

\* **102**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 5 March 2018 be signed as a correct record.

\* **103**      **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.

\* **104**      **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 & Environment on the financial impact of the Committee's decisions for the current financial year 2018/19.

\* **105**      **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 appeal had been determined under urgency procedures following a Members' route walk arising from the last meeting:

Appeal Refused: ST 102 Tawstock – Barnstaple, The Park School (Route available).

\* **106**      **School Transport Appeals**

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

The Committee considered reports from the Chief Officer for Children's Services on appeals and written and verbal submissions from appellants who attended as follows:-

ST 106	Thorverton to Clyst Vale CC	Appellant
ST 107	Kingskerswell to Newton Abbot College	-

**RESOLVED:-**

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

ST 106            Thorverton to Clyst Vale CC

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

ST 107            Kingskerswell to Newton Abbot College.

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

The Meeting started at 9.45 am and finished at 10.50 am

## APPEALS COMMITTEE

14 May 2018

Present:-

Councillors H Ackland, J Hawkins (Chair), G Hook and P Twiss

Apologies:-

Councillors C Slade

\* **107**      **Minutes**

**RERESOLVED** that the minutes of the meeting held on 16 April 2018 be signed as a correct record.

\* **108**      **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.

\* **109**      **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 & Environment on the financial impact of the Committee's decisions for the current financial year 2018/19.

\* **110**      **School Transport Appeals**

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

The Committee considered reports from the Chief Officer for Children's Services on appeals and written and verbal submissions from appellants who attended as follows:-

ST 108	Hatherleigh – Hatherleigh Primary	Appellant & Local County Councillor
ST 109	Ashburton – Buckfast St Mary's RC Primary	-

**RESOLVED:-**

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

ST 109	Ashburton – Buckfast St Mary's RC Primary
--------	---

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

ST 108            Hatherleigh – Hatherleigh Primary.

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

The Meeting started at 9.45 am and finished at 11.00 am



## STANDARDS COMMITTEE

12 March 2018

### Present:-

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

### Apologies:-

Councillors B Greenslade, Sir Simon Day and I Hipkin

#### \* 26 **Minutes**

**RESOLVED** that the minutes of the meeting held on 13 November 2017 and the Assessment Sub Committee held on 29 January 2018 be approved.

#### \* 27 **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 determine a way forward to enable a timely response to the Committee on Standards in Public Life's review of local government ethical standards.

The terms of reference for the consultation were circulated at the meeting and could also be found at <https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>.

The Committee noted the views of the Committee on Standards in Public Life that robust Standards arrangements were needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government and were therefore holding a public stakeholder consultation which was open until 5.00pm on Friday 18<sup>th</sup> May 2018.

The terms of reference for the review were to:

1. examine the structures, processes and practices in Local Government in England for:
  - a. maintaining codes of conduct for local councillors;
  - b. investigating alleged breaches fairly and with due process;
  - c. enforcing codes and imposing sanctions for misconduct;
  - d. declaring interests and managing conflicts of interest; and
  - e. whistleblowing.
2. assessing whether the existing structures, processes and practices were conducive to high standards of conduct in local government;
3. make any recommendations for how they could be improved; and
4. note any evidence of intimidation of Councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

# Agenda Item 15c

STANDARDS COMMITTEE  
12/03/18

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

**RESOLVED** that Members of the Committee be asked to submit their views on the consultation questions, as outlined in the terms of reference document to the Democratic Services and Scrutiny Manager, in order for a response to be prepared and shared with Members and that agreement of the final version be delegated to the County Solicitor in consultation with the Chair of the Committee.

\* 28

## **Customer Feedback Monitoring Report - Quarter 3**

The Committee considered the Report of the Head of Digital Transformation & Business Support (BSS/18/02) on feedback, compliments, representations and complaints received and handled by the County Council for the third quarter of 2017/2018.

The Report highlighted that throughout Q3 the Council had received 894 items of feedback which was a decrease of 77 items on Q2.

There had been 55 fewer complaints received across the Council in Q3 compared to Q2 (412 compared to 467) (complaints about Children's Social Care decreased from 93 in Q2 to 84 in Q3, in Adult Care & Health they decreased from 73 received in Q2 to 70 in Q3 and complaints in the non-social care areas decreased from 301 in Q2 to 258 in Q3).

In addition, the total number of compliments received had increased from 224 in Q2 to 265 in Q3. The number of MP Letters received in Q3 had fallen significantly. In Q3 there were 142 MP Letters received compared to the 208 received in Q2.

The Council received a total of 9 enquiries from Councillors which was a decrease of 8 enquiries compared to Q2. However, it had been noted that this was not an accurate reflection of Councillor – staff correspondence and in line with the request of the Standards Committee it was suggested that this information be excluded from future reports from 2018-2019 onwards.

Members asked for clarification on the difference between a complaint and a representation and also the potential to move resources between departments to strengthen resilience in responding to and investigating complaints.

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

**RESOLVED** that the Report be noted.

\* 29

## **Standards Committee Annual Report for 2017/18**

The Committee considered the draft of the Standards Committee Annual Report for 2017/18 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future. The draft Annual Report had again been prepared in an easy to read, accessible format.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and give rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

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

**RESOLVED** that the Annual Report for 2017/18 be approved and published on the Council's [website](#).

\* **30**      **Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor (CS/18/01) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

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.

The Committee welcomed the observation that the use of forenames was not appropriate in a Committee meeting and also welcomed the suggestion of a reminder to Members regarding declarations of interests at meetings.

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

**RESOLVED** that the Report be noted and the suggestion of a reminder in relation to declarations on interests at meetings be welcomed.

\* **31**      **Heart of the South West - Joint Committee Proposal**

The Committee considered the Report of the County Solicitor (CSO/18/7) on the establishment of the Joint Committee in relation to the Heart of the South West, with a focus on the Governance arrangements in place.

The Report highlighted that the Joint Committee commenced in January 2018, in relation to the Heart of the South West Devolution activities. In 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 Committee, which provided the governance framework to take forward the devolution and productivity dialogue with Government.

The key role of the HotSW Joint Committee was to develop, agree and ensure the implementation of the Productivity Strategy.

The Committee noted that all Members of the Joint Committee would observe the "Seven Principles of Public Life" (the 'Nolan' principles) and would be bound by their own authority's Code of Conduct in their work on the Joint Committee and that Joint Committee Members / representatives would also be subject to the Code of Conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee Member. This included the requirement to declare relevant interests at formal meetings of the Joint Committee.

In summary, the Committee noted the arrangements that Members of the Joint Committee were expected to adhere to and the requirements of the 'Arrangements' document, as agreed by the Council on 7 December 2017 and that Members were expected to maintain high ethical standards of actions and behaviours.

**RESOLVED** that the Governance arrangements for the Joint Committee, particularly in relation to adherence to Codes of Conduct and high standards of ethical behaviour be noted.

\* **32**      **Intimidation in Public Life - Select Committee Report and Recommendations**

The Committee considered the Report on the County Solicitor (CS/18/10), on the Review by the Committee on Standards in Public Life regarding Intimidation in Public Life.

# Agenda Item 15c

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Members noted that the Report followed a request to undertake a review on the intimidation of Parliamentary candidates in July 2017, but also considering the wider implications for public office-holders, and producing recommendations for action.

The recommendations, it was suggested, should be implemented together, as a comprehensive response to the issue. Of note was the widespread use of social media which had been the most significant factor accelerating and enabling intimidatory behaviour in recent years.

The executive summary of the Report, which had been circulated with the agenda included a table of recommendations, mainly aimed at social media companies. However, there were other recommendations for Government and policing organisations, as well as recommendations for those in positions of leadership within political parties and political parties themselves.

The Members noted the recommendation for Local Authority Monitoring Officers to ensure that members required to declare pecuniary interests were aware of the sensitive interests provisions in the Localism Act 2011 and were reminded that this was included in the Members Code of Conduct in the Constitution.

In addition, there were five recommendations aimed at all those in public life including not engaging in intimidatory behaviour, nor condoning or tolerating it (all in public life had a responsibility to challenge and report such behaviour), seeking to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and helping prevent a decline in public trust in political institutions, setting and protecting a tone in public discourse which was not dehumanising or derogatory, and which recognised the rights of others to participate in public life. Also having a responsibility not to use language which engendered hatred or hostility towards individuals because of personal characteristics; and not engaging in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.

Members noted that the report made recommendations meaning that all those across public life must work together to address the problem and there needed to be greater action from social media companies, political parties, Parliament, the police, broadcast and print media, and from MPs and Parliamentary candidates themselves. This in turn meant leadership by the largest political parties, which, as the report highlighted, was all the more important in the light of recent allegations of sexual harassment and bullying in Parliament which had shaken public confidence.

Members were asked to share the Report with their own political parties.

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

**RESOLVED** that the Report be noted.

\* 33

## **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, one complaint concerning an alleged breach of the Members Code of Conduct had been received, as reflected in the Minutes of the Assessment Sub Committee which the Committee had received earlier in the Agenda. The County Solicitor reported that the outcome of the investigation would report to a meeting of the Standards Committee in due course.

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

The Meeting started at 2.15 pm and finished at 3.20 pm

# Agenda Item 15c

STANDARDS COMMITTEE  
*12/03/18*



## APPOINTMENTS AND REMUNERATION COMMITTEE

14 March 2018

Present:-

Councillors J Hart (Chair), J Clatworthy, A Connett, R Hannaford and R Croad

\* **41**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 15 January 2018 be signed as a correct record.

\* **42**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **43**      **Exclusion of the Press and Public**

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

**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 1 and 2 of Schedule 12A of the Act namely relating to any individual and information likely to reveal the identity of an individual 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.

**44**      **Senior Coroner for Exeter and Greater Devon**

The Committee considered the Report of the County Solicitor relating to the appointment of the new Senior Coroner for Exeter and Greater Devon.

The Committee recalled their previous discussions that the salary for the post, at that time, was subject to ongoing discussions with the Joint Negotiating Committee for Coroners.

Revised guidance was issued in January 2018 and the Coroner's Circular no. 62 (to be read jointly with JNC circular no. 61) set out the principles of the agreement reached which had to be followed when setting the levels of pay for Coroners.

The guidance concentrated on the factors that should be taken into account when determining the appointed levels of pay such as prisons and other institutional state detention, mental health units, hospitals and caseload. The guidance proposed a salary range depending on the complexity of the Coronal area. The Committee noted the complexity of the Exeter and Greater Devon area, which was compounded by various factors.

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

**RESOLVED** that in light of the complexity of the coronial area, in accordance with guidance, as outlined in the Report, the salary for the post of Senior Coroner be set at £125,000 per annum, effective from 1 April 2018.

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

The Meeting started at 1.21 pm and finished at 1.35 pm

# Agenda Item 15d



## PUBLIC RIGHTS OF WAY COMMITTEE

15 March 2018

### Present

Councillors P Sanders (Chair), T Inch, I Chubb, P Colthorpe, A Dewhirst, R Edgell, M Shaw and C Whitton

### Apologies

Councillor J Brook

### In Attendance

Councillor P Twiss

### \* 54 Minutes

**RESOLVED** that the minutes of the meeting held on 9 November 2017 be signed as a correct record.

### \* 55 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 these items as matters of urgency so that the Committee would be apprised of recent events.

The Chief Officer for Highways, Infrastructure Development and Waste reported on the following items, namely:

#### (a) Adverse weather conditions

The damage to the public rights of way network following the recent adverse weather and the work undertaken by the Wardens in both the north and south of the County. Also, that additional funding had been received from central government for the south of the County, by way of Bellwin funding, which was funding paid to local authorities in exceptional circumstances.

#### (b) Revenue Budget

Although the Revenue Budget for public rights of way had been reduced by £50,000 for 2018/19, this had been offset by the increase of £6.5m to the Highways 2018/19 budget, where access to revenue funds would be allocated in partnership working with Neighbourhood Highways colleagues to deal with drainage and surface issues caused to and from the public rights of way network.

#### (c) South West Coast Path Grant

The Council had just been notified that the amount of the grant received from Natural England would be the same as the previous year and that pressure would continue to be applied in order to achieve a three-year grant programme.

# Agenda Item 15e

PUBLIC RIGHTS OF WAY COMMITTEE  
15/03/18

(d) English Coastal Access Mapping

Natural England was undertaking a mapping exercise of the coastal path from Dartmouth to the Tamar River in the south and from Combe Martin to Welcombe in the north.

\* **56**      **Chair's Announcements**

The Chair announced that Public Rights of Way Officer, Nick Steenman-Clark would be retiring from the Council at the end of April and the Committee extended their thanks to him for his 16 years of service.

\* **57**      **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 25 January 2018.

\* **58**      **Parish Review: Definitive Map Review 2016-2018 - Parish of Coldridge**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/10) which examined the route referred to as Proposal 1 arising out of the Definitive Map Review in the Parish of Coldridge in Mid Devon.

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

**RESOLVED** that a Modification Order be not made to modify the Definitive Map and Statement by the addition of a Byway Open to All Traffic A-B-C-D-E as shown on drawing number HIW/PROW/17/026 (Proposal 1).

\* **59**      **Parish Review: Definitive Map Review - Parish of Bittadon (Part 2)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/11) which examined an anomaly which had come to light during the current Review in the Parish of Bittadon in North Devon.

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 a footpath between points AA-AB as shown on drawing number HIW/PROW/17/53 (Proposal 4).

\* **60**      **Parish Review: Definitive Map Review 2016-2018 - Parish of Buckerell Part 2, with part of Gittisham Parish**

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

The Committee considered the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/18/12) concerning a claim to add connected footpaths, referred to as Proposal 1, arising out of the Definitive Map Review in the Parish of Buckerell and part in the adjoining Parish of Gittisham in East Devon.

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

**RESOLVED** that a Modification Order be not made in respect of:

- (a) Proposal 1 in Buckerell, for the claimed addition of footpaths from the Parish boundary on the River Otter, passing Colhayes to Footpath No. 15 and the end of Byway Open to All Traffic (BOAT) No. 20, Orchard Lane in Buckerell, between points B-C-D and C-E shown on drawing number HIW/PROW/17/021; and

- (b) Proposal 1 in Gittisham, the claimed addition of a footpath from old A30 to the Parish boundary between points A-B shown on drawing number HIW/PROW/17/021.

\* **61**      **Parish Review: Definitive Map Review 2016-2018 - Parish of Gittisham**

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

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/13) concerning a claim to add a footpath, referred to as Proposal 2, arising out of the Definitive Map Review in the Parish of Gittisham in East Devon.

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

**RESOLVED** that a Modification be not made in respect of Proposal 2 to add a public footpath between the minor road Hayne Lane at Hayne Farm to the minor road Parsonage Lane at Goldcombe Farm, points C-D shown on drawing number HIW/PROW/17/024.

\* **62**      **Parish Review: Definitive Map Review 2016-2018 - Combe Martin, North Devon**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/14) examining the last two proposals arising from the Definitive Map Review in the Parish of Combe Martin in North Devon.

The Chair advised that the Local Member and Combe Martin Parish Council were now content with both proposals.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a Footpath between points A-B-C as shown on drawing number HIW/PROW/18/7 (Proposal 22).

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a Restricted Byway between points D-E as shown on drawing number HIW/PROW/18/8 (Proposal 24).

\* **63**      **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/15) on decisions and directions received from the Secretary of State.

\* **64**      **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/16) on Public Path Orders made under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.25 pm

# Agenda Item 15e

## DEVELOPMENT MANAGEMENT COMMITTEE

21 March 2018

### Present:-

#### County Councillors

Councillors J Brook (Chair), Y Atkinson, R Bloxham (Vice-Chair), J Hook, G Gribble, L Hellyer, J Hodgson, T Inch, P Sanders, C Slade and J Yabsley

### Member attending in accordance with standing Order 25:-

Councillor A Dewhirst

### Apologies:-

Councillors H Ackland, A Connett, I Hall and R Hosking

#### \* 44 Minutes

**RESOLVED** that the Minutes held on 24 January 2018 be signed as a correct record.

#### \* 45 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

#### \* 46 County Matter: Minerals: Teignbridge District: An application under Section 73a of Town and Country Planning Act 1990 for the continued temporary use of offices, workshop and storage detailed in planning permission 15/01695/DCC located at Whitecleave Quarry, Plymouth Road, Buckfastleigh, Devon, TQ11 0DQ until 31st July 2018

(Councillor G Gribble declared a personal interest in this matter by virtue of being a member of Teignbridge District Council)

The Committee considered the Report of the Chief Planner (PTE/18/10) on an application for the continued use of land within Whitecleave Quarry, Buckfastleigh, for the storage of plant, vehicles and machinery; the use of the quarry office building; and the use of the quarry workshop for the maintenance of vehicles and machinery, all for activities associated with the company's demolition business. The Chief Planner reported the recent receipt of approximately 20 written representations of objection.

The Chief Planner'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. He reported on additional representations that had been received following publication of the Report.

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

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

**RESOLVED** that temporary planning permission be granted subject to conditions attached at Appendix I of the Report PTE/18/10 and with any subsequent minor changes being agreed by the Chief Planner in consultation with the Chair and Local Councillor.

# Agenda Item 15f

DEVELOPMENT MANAGEMENT COMMITTEE  
21/03/18

\* 47      **County Matter: Minerals: Teignbridge District: Application under the Environment Act 1995: Review of Mineral Planning Conditions at Stoneycombe Quarry, Newton Abbot, TQ12 5LL**

(Councillor G Gribble declared a personal interest in this matter by virtue of being a member of Teignbridge District Council)

(Councillor A Dewhirst attended in accordance with Standing Order 25(2) and spoke to this item relating to the proposed conditions).

The Committee considered the Report of the Chief Planner (PTE/18/11) on an application by Aggregate Industries for new conditions to be attached to the existing planning permissions at Stoneycombe Quarry, pursuant to the requirements of Section 14 of the Environment Act 1995 (Periodic Review of Mining Sites).

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

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

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

**RESOLVED** that the schedule of new conditions (as set out in Appendix II to Report PTE/18/11) be approved subject to amendment of Condition 11 (iii) (Noise) – 'specified period not exceeding 28 days' - with any subsequent non-material changes to the conditions being agreed by the Chief Planner in consultation with the Chair and local County Councillor.

\* 48      **Minerals and Waste Development Framework: Minerals and Waste Development Scheme: Fifth Revision**

The Committee considered the Report of the Chief Planner (PTE/18/12) on the Fifth Revision of the Minerals and Waste Development Scheme which outlined the circumstances in which early partial reviews of the Waste and Minerals Plans could be required. In the event of such reviews becoming necessary, a further revision of the Development Scheme would be brought forward for the Committee's consideration.

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

**RESOLVED** that the Fifth Revision of the Minerals and Waste Development Scheme attached as Appendix I of Report PTE/18/12 be endorsed for publication on 26 March 2018.

\* 49      **Minerals and Waste Development Framework: Statement of Community Involvement: Second Revision**

The Committee considered the Report of the Chief Planner (PTE/18/13) on the second revision of the Council's Statement of Community Involvement as part of the preparation of the Mineral and Waste Plans for the County Council area. This set out how the Council would engage with local communities and individuals in the preparation of its policy documents and determination of planning applications. The Council's original Statement of Community Involvement had been published in 2007 and subsequently revised in 2013.

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

**RESOLVED** that the second revision of the Council's Statement of Community Involvement, attached as Appendix 1 of Report PTE/18/13 for publication on 26 March 2018 be endorsed.

\* 50 **Minerals and Waste Development Framework South Hams Special Area of Conservation: Joint Supplementary Planning Document**

The Committee considered the Report of the Chief Planner (PTE/18/14) on the draft South Hams Special Area of Conservation (SAC) Supplementary Planning Document (SPD), prepared to aid the implementation of national policy and local Development Plan policies across five Local Planning Authority Areas in Devon, which was now subject to joint consultation by the Authorities. The South Hams SAC, and associated Consultation Zone covered an area which lay within five Local Planning Authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. The Supplementary Planning Document (SPD) updated and replaced the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010.

A further report on the outcome of the consultation and adoption of the SPD would be submitted to a future meeting of this Committee for consideration.

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

**RESOLVED** that the publication of the Draft Joint Supplementary Planning Document attached to Report PTE/18/14 as Appendix I be approved for joint public consultation.

\* 51 **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the Report of the Chief Planner (PTE/18/15) on the action taken under delegated powers.

\* 52 **Update Report on the outcomes of previous highway consultation responses made by the County Council's Development Management Committee**

The Committee received the Report of the Chief Planner (PTE/18/16) on the outcome of a previous highway consultation in respect of the application for housing and associated infrastructure at land adjoining the West of England School, Topsham Road, Exeter.

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

The Meeting started at 2.15 pm and finished at 2.56 pm





## AUDIT COMMITTEE

28 March 2018

### Present:-

Councillors J Mathews (Chair), J Berry, J Brazil, R Peart and A Saywell

### Apologies:-

Councillors I Hall and E Brennan

\* 19

### **Minutes**

**RESOLVED** that the Minutes of the meeting held on 22 November 2017 be signed as a correct record.

\* 20

### **Items Requiring Urgent Attention**

Grant Thornton, the County Council's external auditors, reported that the 2016/17 accounts had now been signed off following a delay after an objection from a member of the public. Grant Thornton did not uphold the objection and the audit certificate has now been issued.

\* 21

### **Devon County Council External Audit Plan**

The Committee received the report of Grant Thornton setting out the external auditors' audit plan covering 2017/18, including challenges and opportunities for the Council; developments relevant to the Council's business; materiality; significant risks; value for money; results of interim audit work; key dates for the audit work; and external auditors' fees.

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

**RESOLVED** that the report and findings be noted.

\* 22

### **Devon Pension Fund External Audit Plan**

The Committee received the report of Grant Thornton setting out the external audit plan covering 2017/18, including challenges and opportunities for the Council, wider developments relevant to the Council's business, significant risks, results of interim audit work, key dates for the audit work and the external auditors' fees.

Members identified the need for the plan also to be included on the agenda of the Investment and Pension Fund Committee.

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

**RESOLVED** that the report and findings be noted.

\* 23

### **External Audit Progress Report and Update**

The Committee received the report of Grant Thornton outlining the progress made in delivering their responsibilities as the Council's external auditors. The report also included a summary of emerging national issues and developments that may be relevant to the Council including the new obligations for the County Council in terms of General Data Protection Regulation (GDPR).

# Agenda Item 15g

AUDIT COMMITTEE  
28/03/18

Members expressed concern relating to the National Audit Office report on the adult social care workforce in England.

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

## **RESOLVED**

- (a) That Council note the Committee's concern in terms of pressure on the adult social care workforce and its ability to meet users' needs for care now and in the future.
- (b) That members of the Committee be provided with a briefing on GDPR.
- (c) that the report and findings be noted.

### \* 24 **Internal Audit Plan 2018/19**

The Committee considered the report of the County Treasurer outlining key challenges and opportunities arising from the Council's corporate goals and strategic risk registers, overview of audit coverage, core activity including coverage days, annual governance framework, proposed reviews and associated risks and deferred reviews.

Members noted the number of planned days for internal audit activity in relation to Children's Services and felt that this could be increased. The Committee also highlighted the work undertaken by Scrutiny in reviewing the Internal Audit Plan and referenced the review on homelessness in 16/17 year olds which Children's Scrutiny had recommended to be raised from a low to a high priority for review.

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

**RESOLVED** that the Internal Audit Plan for 2018/19 be endorsed.

### \* 25 **Devon County Council - Control Environment**

The Committee received the report of the County Treasurer on the yearly requirement of the Audit Committee and Section 151 Officer to respond to enquiries from the external auditors (Grant Thornton) regarding the overall control environment of the Council, with particular focus on the arrangements in place to ensure that the financial statements were free of material error.

The Committee will be required to authorise the accounts in July following careful consideration of the auditors' report. The letters, attached to the Report, from the Chairman and the Section 151 Officer set out the details of the control environment.

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

## **RESOLVED**

- (a) that the report be noted and that the conclusion of the County Treasurer that the authority's accounts be prepared on a Going Concern basis be endorsed;
- (b) that the letter from the Chairman to the external auditors (Grant Thornton) be endorsed.

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

The Meeting started at 2.15 pm and finished at 3.00 pm

# Agenda Item 15g

AUDIT COMMITTEE  
28/03/18



## PROCEDURES COMMITTEE

18 April 2018

### Present:-

Councillors R Radford (Chair), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford and C Wright

### Apologies:-

Councillors N Way

### \* 23 Minutes

**RESOLVED** that the minutes of the meeting held on 8 February 2018 be signed as a correct record.

### \* 24 Items requiring urgent attention

There was no item raised as a matter of urgency.

### 25 Financial Regulations - Review

The Committee considered the Report of the County Treasurer (CT/18/32), on Part 5 of the Constitution relating to the Code of Business Conduct and proposed revisions and updates to financial regulations.

The Report outlined that various elements of the Code were now in need of updating, given the procedure and approval limits had remained unchanged for a number of years for some elements of the Code. The proposed changes were highlighted in detail in the appendices attached to the Report and the Committee noted that consultation had been undertaken with Procurement and Legal Services, where appropriate.

In terms of the proposed changes, part 5b (Procurement Policy) would be updated to include reference to the need for due diligence to be exercised prior to any arrangements where a financial relationship would exist between the Council and external organisations.

The Report further outlined the proposed changes to Part 5c (Financial Regulations);

- Section (A9) (grants and subscriptions) and the recommendation to increase the level from £20,000 to £50,000 (with grants or subscriptions below £50,000 to be approved by the relevant Chief Officer);
- A11 and the use of consultants – whilst there were no changes, a link to the policy on Hiring of Temps, Agency Workers, Interims & Consultants would be added;
- B12 (Capital Expenditure and Leasing) set out proposals for dealing with revised project approvals and the introduction of new capital items after the Capital Programme had been approved.
- C7 (Sale of Assets) – the arrangements for Heads of Service to make arrangements for disposal of surplus items with an estimated value of up to £1,000, to increase to £5,000;
- C8 (Stocks and Stores) – at present any deficiency, theft or other loss in value including obsolete stock exceeding 2.5% or £1,000 must be reported to the Chief Finance Officer and to the Cabinet for the necessary authority to write off. It is proposed that this be replaced with a requirement to report to the Chief Finance Officer only;

# Agenda Item 15h

PROCEDURES COMMITTEE  
18/04/18

- C13 (Voluntary Unofficial Funds) - updated to include reference to the need for separate VAT treatment;
- D2 (Purchasing Arrangements) – minor changes proposed to update terminology and include references to call-off and framework contracts;
- D3 (Orders for Goods and Services) – minor changes proposed to include references to VAT;
- D8 (Payroll) – there were separate processes for dealing with Payroll and Pensions which were referenced accordingly in the section. In terms of overpayments it was proposed that the Chief Finance Officer continued to deal with cases under £10,000 and the prior authority of the Cabinet Member remained for sums in excess of £10,000. However, it was also proposed that the County Solicitor be consulted on all cases exceeding £2,500. A link had also been added to the Policy for dealing with Salary Overpayments;
- D9 (Travelling, Subsistence and Financial Loss Allowance) – now included reference of the need to retain VAT receipts to support expenses / mileage claims;
- D10 (Income and Banking) – minor wording changes in respect of VAT. In relation to write-offs the process remained the same except with cases under £10,000, but that the County Solicitor be consulted on write-offs exceeding £2,500;
- D11 (Taxation) – to include additional text relating to requirements and responsibilities in relation to taxation, and specifically in respect of VAT;
- E (External Arrangements) – the section had been expanded to cover collaborative and agency arrangements, external funding and other service changes and also further detailed standards, and reference to due diligence and VAT in particular.

The report also outlined the proposed changes to Part 5e (Procedures for Tenders and Contracts) to include a reference to the due diligence process (1.4) and the removal of section 3.15 (sale of minor assets as this was already covered by Financial Regulations (C7). Also, section 4 (Content of Contracts) would include reference to the consideration of VAT.

For Part 5g (Code of Practice for the Disposal of Surplus Property), the section 2.1 was updated to provide a link to the Property Transaction Process. It was further proposed that the Chief Finance Officer be consulted on the sale of assets at less than Full Market Value (6.0) in accordance with the treatment proposed under Capital Receipts.

In discussion, Members asked for reassurance that local Councillors would always be informed of issues that impacted on their Divisions and that the revised financial regulations reflected this.

Members then suggested the following amendments;

- Page 5 – removal of the sentence that referred to Best Value and the requirement to achieve 2% efficiency improvements (a previous (not current) Government requirement);
- Page 5 (bullet 3) – reword the sentence to read ‘ensure more efficient administrative and monitoring processes’;
- Page 7 – that Officers would undertake to add more detail in relation to due diligence in respect of any financial arrangements with charities;
- Page 11 – clarification of the membership of the Procurement Group and the word Councillor to be used instead of Member;
- Page 21 (A9.1) – the sentence to read ‘the Cabinet Member ‘will’ be kept informed’;
- Page 21 (A9.2) – Officers to quantify the word ‘adequate notice’ with a suitable timescale;
- Page 21 (A11.1) – the full title of the Policy to be included in the paragraph which was ‘Hiring Temps, Agency, Interims & Consultants’;
- Page 21 (A11.2) – to add the word ‘written’ before the word approval;
- Page 21 (A11.3) – revision of the sentence to read ‘in consultation with the Leader and Chief Executive’ after the word Chief Officer;

- Page 27 (B12.9) – replace the word 'Board' with 'Group';
- Page 33 (C12.1.2) – replace the word 'his' with 'their'; and
- Page 65 (2.1) – amend the sentence to say that 'A copy of the letter 'will' be sent to the Local Member, rather than the word 'should'.

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

**RESOLVED** that subject to the inclusion of the changes listed above, the proposed amendments to Part 5 of the Constitution be approved.

26

## **Members Allowances**

The Committee noted their previous resolution that there be no change to Basic Allowance and re-adjustment of Special Responsibility Payments at this time, but that Group Leaders had been asked to consider the Panel's recommendations on the level of Basic Allowance and report back to the next meeting of this Procedures Committee.

It was noted that the Procedures Committee had previously agreed to implement recommendations (d), (e) and (f), as outlined below, which were subsequently ratified by the Council on 15 February 2018.

*(d) the overnight allowance for Members for outside London, increase in line with the staff allowance from £79.82 to £81.06;*

*(e) the overnight allowances for London increase from £90 to "up to a maximum of £143" (recommendation e); and*

*(f) The Guidance for Dependant Carer's Allowance be amended as set out in Appendix 3 of the Report subject to a minor amendment to paragraph 6(c)(iii) to read as follows 'has a recognised physical or mental disability who is the responsibility of the Member and should not be left unsupervised'.*

The Committee again considered the Report of the Independent Members' Allowances Remuneration Panel for 2018. Heather Morgan, Chair of the Panel, had previously attended to present the Panel's Annual Report and highlighted that the work of the Panel, its conclusions and recommendations had been made based on sound evidence.

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

The Panel had nonetheless recommended a number of amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration should be given by the County Council to the uprating of basic and special responsibility allowances, as set out in Appendix 2 of its Report.

The Panel further felt that the SRA payment for the Chair of the Investment and Pension Fund Committee should be increased to reflect the significant changes in responsibility since the inception of the Brunel Pooling Partnership.

Members discussed the difficult position of Councils in considering any rises to allowances, but also recognised they had been frozen since 2009 and there was a need to attract more Councillors from different backgrounds to better reflect communities. Furthermore, the workload of Councillors had significantly increased in recent years.

# Agenda Item 15h

PROCEDURES COMMITTEE  
18/04/18

It was **MOVED** by Councillor Hannaford, **SECONDED** by Councillor Biederman, and

## **RESOLVED**

(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.

27

## **Constitutional Matters - Budget Meeting and Lengths of Speeches**

The Committee noted that, in accordance with Standing Order 23, Councillor Hughes has requested that the Committee consider the matter of the length of time for 'right of reply' for the Leader on budget amendments.

Currently, the time limit was 3 minutes for a right of reply on an amendment (budget or otherwise) but the Committee considered whether this was a sufficient length of time for the Leader of the Council to response to all the matters raised by movers of alternative budgets, in light of the Council's standard practise to suspending standing orders to permit the debate of more than one amendment at a time.

Members noted that the Leader had responded to four separate amendments at the previous Budget meeting.

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

**RESOLVED** that Standing Orders be amended to allow the Leader up to 10 minutes to exercise his right of reply to Budget amendments.

28

## **Public Participation Scheme**

The Committee noted that, in accordance with Standing Order 23, Councillor Wright had asked that the Committee consider the current Public Participation Scheme, in particular that the Scheme didn't permit the questioning of public speakers and also the current deadlines for registering to speak.



The Scheme permitted Members of the public to ask a question of the Leader or Cabinet Members at meetings of the Council or the Cabinet and in certain circumstances presentations or representations may be made to the Council, Development Management Committee, Scrutiny Committees, the Highways and Traffic Orders Committees or the Public Rights of Way Committee.

The deadlines for submitting a formal, written question to Council or Cabinet or give notice of a Representation at Council, Scrutiny or another Committee of the Council was before 12 noon on the fourth working day before the date of the meeting.

There were also opportunities at Scrutiny Committee meetings, where any member of the public who was resident in the area may make oral representations on any substantive matter listed on the Agenda of any Scrutiny Committee. The representation was limited to 3 minutes per person. Again, the notification of intent needed to be submitted before 12 noon 4 working days before the meeting.

Members asked questions and discussed the following matters;

- the need for flexibility in the system whilst still being able to administer the meeting effectively;
- the role of Chair's discretion and how this might be applied;
- the role of task and finish groups in obtaining more evidence for Scrutiny;
- the importance of ensuring members of the public were safeguarded in the Committee environment and the need for sensitivity for those who may not be comfortable with being questioned or further questioning; and
- the importance of distinguishing between asking further questions and obtaining clarification in relation to an issue raised.

**RESOLVED** that the Public Participation rules not be amended at this stage, but the matter be discussed further with the Chairs and Vice Chairs of Scrutiny to ensure there was consistency in the application of the Public Participation scheme and also to ensure sufficient flexibility in order to obtain clarification, if needed and where appropriate.

29

## **Minutes of Scrutiny Committees Meeting and Public Participation**

The Committee noted that, in accordance with Standing Order 23, Councillor Wright had asked that the Committee consider the issue of Minutes of Scrutiny Committees and the recording of representations from Members of the Public.

The Committee noted that the Council had never undertaken to produce verbatim minutes and the current process was to record who made a representation at the meeting, notwithstanding that meetings were webcast so further detail could be obtained, but only for a specific time period.

Also of note was that representations made to the Scrutiny Committee must relate to an item on the agenda for that meeting. In that vein, any matters raised by the public during their Representation could be highlighted later in the meeting by Members of the Committee as part of the debate for that item. This of course was a matter for individual Members.

Members further suggested that a brief form of words would provide a context to the public representation which might be helpful for future reference.

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

## **RESOLVED**

(a) that the current mechanism for recording public representations at meetings in the formal minutes be expanded so that a brief sentence and / or statement is included to reflect the context and subject matter; and

(b) that the Public Participation scheme be amended accordingly.

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

The Meeting started at 10.30 am and finished at 12.55 pm

## CHILDREN'S SCRUTINY COMMITTEE

20 March 2018

### Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, J Brazil, E Brennan, G Gribble, L Hellyer, R Hosking, T Inch and A Saywell

### Additional Members for Educational Issues:-

Mrs C Mabin

### Apologies:-

Councillors C Channon, J Hawkins, J Mathews and M Squires

### Members attending in accordance with Standing Order 25

Councillor J McInnes

\* 46

### **Minutes**

**RESOLVED** that the minutes of the Children's Scrutiny (Budget) and Children's Scrutiny (ordinary) Committee meetings both held on 23 January 2018 be signed as a correct record.

\* 47

### **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 48

### **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mrs L Strange on a matter to be considered by the Committee, namely 'Placements for Children in Care' (Minute \*52 refers), and Councillor H Packham on 'Children's Centres' (Minutes \*49 refers).

The Chair responded, thanking both speakers for their attendance and presentations which would be considered by the Committee during its subsequent deliberations.

\* 49

### **Children's Centres**

The Committee received a Report from the Chief Officer for Children's Services (CS/18/18) on the implementation of Children's Centres and the new contract arrangements with Action for Children from April 2018. A risk register provided by Action for Children, outlined how they intended to mitigate the risks associated with moving to a targeted service within the first year of the contract.

Members' discussion points with Officers included:

- the planned delivery and level of provision available at West Exe Children's Centre;
- delivery of the North Devon Multiple Births Group, which had become a constituted community group and could employ a member of staff and was supported by volunteers from Action for Children; and,

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- the possibility of implementing similar practices in other Children's Centres across Devon.

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

**RESOLVED** that Action for Children be invited to a future Children's Scrutiny Committee to discuss future plans and ideas, including more detail on the Thrive approach.

\* 50

## **Internal Audit Plan 2018/19**

The Committee received the Report of the County Treasurer (CT/18/28) outlining the proposed internal audit activity within Children's Services for 2018/19; the work undertaken and provided an overall adequacy and effectiveness of the service area's internal control environment.

Members' discussion points included:

- the need to review homelessness in 16 – 17 year olds, including those that 'sofa surf', to gain a greater understanding of the extent of this issue within Devon;
- suitable accommodation for Care Leavers; and
- considering an audit of internal fostering within Devon.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Hannaford, and

**RESOLVED** that a review of homelessness amongst 16 and 17 year olds be considered at a future Committee meeting and District Councils be invited to discuss ongoing work and plans to tackle this issue.

\* 51

## **Care Leavers**

The Committee considered the Report of the Chief Officer for Children's Services (CS/18/15) which provided a summary of a self-assessment that took place during November and December 2017, evaluating the quality of provision provided by the locality Permanence and Transition Teams and identified areas for continued improvement. This activity provided the opportunity for preparation for a Peer Review, due to take place between May and June 2018.

Areas of strength identified by the self-assessment included, inter alia, the participation of young people in their pathway plan and their voice being evident throughout the planning process, pathway plans being reviewed in a timely manner, evidence of good quality visits and regular advice about entitlements and the complaints process, young people deemed to be safe based on regular contact and review and aspirational pathway plans completed in partnership with young people and key organisations.

Some areas identified for improvement included too many pathway plans lacking a contingency plan, too few cases having a separate needs assessment to support the development of the initial pathway plan and a lack of confirmation that care leavers had received copies of their pathway plans.

Members noted an increase in the percentage of care leavers with whom the Council remained in contact with, and felt it would be useful to receive further information about the methods used in establishing and maintaining contact.

\* 52

## **Placements for Children in Care**

The Committee considered the Report of the Chief Officer for Children's Services providing an update on the current position with regard to placements of Children Looked After and the work in progress to improve placement sufficiency.

The Report outlined the importance of delivering the Council's Corporate Parenting responsibilities and achieving good outcomes for Children Looked After by meeting their accommodation needs. There was a focus on family based care, with the in-house fostering service currently totalling at 356 approved places, whilst there were 186 children placed with external foster placements. There were currently 103 residential children's home beds, having dropped as low as 67 over the past three years due to the impact of inadequate Ofsted results. There was a drive to increase the number of in-house foster placements, with ongoing recruitment drives and a new Digital Advertising Campaign and social media posts.

It was noted that work had been commissioned to examine placement sufficiency and to consider whether there was a need to open in-house capacity and develop proposals for a multi-disciplinary 'Edge of Care' approach. This included an examination of the profile of children in care and the type of placements available, the utilisation of residential capacity, the profile of in-house foster carers and recruitment and retention within the fostering service. This would lead to the production of a sufficiency strategy.

The Committee noted that at the current time, the evidence did not support the opening of in-house children's homes, and the Chief Officer confirmed that more information on this point, along with the sufficiency strategy would be shared with Members in due course.

\* **53      Adolescent Risk Pathway**

The Committee considered the Report of the Chief Officer for Children's Services (CS/18/11) outlining plans to develop and implement a multi-agency adolescent risk pathway in order to provide a safety planning response to young people where they were exposed to risk emerging from their contacts outside the family network. This aimed to provide an operational response to protect young people who were at risk of harm outside of the home and who did not meet the criteria for a child protection plan but required a risk management plan that co-ordinated professional network activity and supported the family and young person to remain safe.

\* **54      Regional Adoption Agency**

The Committee considered the Report of the Head of Children's Social Care (CS/18/16) outlining proposals to move towards a Regional Adoption Agency (RAA), hosted by Devon County Council, which aimed to improve the process for children and adopters, leading to an increased number of children being adopted, a better experience for adopters and improved timeliness overall.

The business case for the RAA outlined the benefits of local authorities coming together as a regional service, including Plymouth City Council, Torbay Council and Somerset County Council along with Devon County Council. Approval of this business case by all the local authorities would enable transition from four separate adoption services to a single service hosted by Devon, with effect from October 2018.

As a single host local authority model, the adoption service functions from Plymouth, Torbay and Somerset would be delegated to Devon County Council. Governance arrangements involved an RAA Operational Board led by senior managers from the local authorities to oversee service performance and have responsibility for the annual plan and budget. There would also be a Strategic Partnership Group, with a broader more strategic role bringing together partners and key stakeholders, including Council Members, to set the strategic direction for continuous improvement of the RAA and reflect national policy as well as local considerations.

It was noted that the Children's Scrutiny Committee would be updated on progress of the RAA in April 2019, which would be 6 months after implementation.

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\* **55**      **Performance - Children's Social Care**

The Committee received the Children's Social Care Performance Report from the Head of Children's Social Care (CS/18/12) on the latest performance measures. Key areas highlighted within the Report and by the Chief Officer included, inter alia, population profile and caseloads, the Multi Agency Safeguarding Hub (MASH) and referrals; Children in Need; Child Protection, Children Looked After and Care Leavers, Adoption South West comparative data and Children's Social Work Workforce data 2017.

The Head of Service also demonstrated to Members the use of the new Eclipse database, which would provide an online interactive system allowing for more timely and extensive use of performance and management information. Work was ongoing to ensure that when Eclipse was implemented there would be a continuity of performance and management information provision and that the overall range of information was increased, with a greater ability to analyse information at a worker, team, locality and service level.

\* **56**      **Performance - Education**

The Committee received the Report of the Head of Education and Learning (CS/18/13) on the latest performance measures, highlighting key areas including: Early Years Foundation Stage, Free School Meals, Special Educational Needs pupils, requests for Statutory Assessments, and transfers from statements. The Report noted that Devon was above average in all key areas of educational performance, with positive outcomes for those with an Education, Health and Care Plan (EHCP) and rates of transfer from statements to EHCPs were on target and due to be completed by April 2018.

Members noted that a significant number of first assessments for children with SEN were being completed outside of the statutory timescales. Greater resource had been allocated to address this and it was agreed that a briefing paper would be circulated to Members later in the year, updating on progress.

\* **57**      **Children's Scrutiny Committee Work Programme**

**RESOLVED** that the current Work Programme be approved subject to inclusion of the following topics for future consideration and also those agreed at the meeting:

- Foster Carer Allowances
- Homelessness in 16 & 17 year olds and care leavers

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

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

The Meeting started at 2.15 pm and finished at 6.05 pm

## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

22 March 2018

### Present:-

Councillors S Randall-Johnson (Chair), H Ackland, J Berry, P Crabb, R Peart, R Scott, J Trail, N Way, C Whitton, C Wright and J Yabsley

### Local Councils

Councillor P Diviani

### Members attending in accordance with Standing Order 25

Councillors J Brazil, A Leadbetter and M Shaw

### Apologies

Councillors R Gilbert, B Greenslade, S Russell, P Sanders and P Twiss

\* 50

### **Minutes**

**RESOLVED** that the Minutes of the budget and ordinary meetings held on 25 January 2018 be signed as correct records.

\* 51

### **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by J Wardman, S Matthews, R Ashman and L Wood on a matter to be considered by the Committee, namely the 'Health and Care Integration in Devon (Minute \*52 refers).

The Chair responded, thanking the speakers for their attendance and presentation which would be taken into account by the Committee during its subsequent deliberations.

\* 52

### **Matter of Urgency: Health and Care Integration in Devon**

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

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

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

(Mr N Roberts (Accountable Officer, NEW Devon CCG and South Devon and Torbay CCG), Dr S Manton, Joint Director (Strategy) North, East and West (NEW) Devon CCG and South Devon and Torbay CCG attended and spoke to this item at the invitation of the Committee)

The Chair had decided that the Committee should consider, as a matter of urgency, this issue in view of the recent call-in (as outlined below).

In accordance with the Scrutiny Procedure Rules, 5 Members of the Council (Councillors Connett, Way, Dewhirst, Greenslade and Brazil) had invoked the call-in procedure in relation to the decision of the Cabinet (Minute \*148 of the 14 March 2018) in relation to Health and Care Integration in Devon.

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*This was on the grounds “that the governance for the new proposals was a weakness. In addition, there has been a lack of consultation with the public regarding the proposals. Also, the reference in the report concerning some implementation from April 2018 gives inadequate time for scrutiny through the normal committee timetable”.*

The Committee considered the Report of the Chief Executive (ACS/18/81) which had been submitted to Cabinet on 14 March 2018 and re-presented to this Committee for consideration in relation to its recommendations.

The Report outlined the national context and drivers towards integration of health and social care, the local Devon context and how it was developing its integrated working, further developments and proposals with a common set of objectives and outcomes, proposed arrangements in Devon, noting that governance arrangements would not change from 1 April 2018.

The Chair also reported the receipt of approximately 45 representations from the public on this matter, and written representations from Councillors B Greenslade (circulated at the meeting) and S Russell. A paper from Councillor Ackland on proposals for a revised composition of the Devon Health and Wellbeing Board, which had been presented to the Cabinet at its meeting on 14 March 2018, had also been circulated to Members.

The representatives from the Clinical Commissioning Groups and the Chief Officer for Adult Care and Health responded to Members’ questions and/or commented on:

- the benefits of further integration (the process of which had been longstanding) which included improved services, avoidance of duplication, work force efficiency and effectiveness, and greater consistency over the two CCGs and local authorities with better alignment of services;
- the emerging proposals which did not represent a change in accountabilities, there was no new organisation being created, and the focus was on a joined-up approach to promote independence for people where it was safe and appropriate so to do;
- consideration of changes in the composition of the Health and Wellbeing Board and development of local boards with more Councillor representation;
- the 6 local authorities/NHS pilots and the learning from these, particularly the Dorset experience;
- local working with Plymouth and the voluntary sector, particularly in South Devon and use of the Joint Strategic Needs Assessment (JSNA) underpinning the process, taking a holistic view of Health and Social care and outcomes;
- the main messages and themes arising from recent staff consultations;
- development of the business case for change, the widespread existing co-location of multi-disciplinary (Social Care/NHS) teams (based on 30,000 - 40,000 populations);
- the Council’s clear and on-going statutory duty to co-operate with its partners; and
- confirmation that the proposals would not affect the Committee’s legal powers, and its Scrutiny and Overview role which were laid down in statute.

Members noted the possibility of further consideration of joint scrutiny of the process across Devon with Torbay and Plymouth Councils.

It was **MOVED** by Councillor Wright, **SECONDED** by Councillor Way that the Cabinet be requested:

(a) to record the Committee’s concerns over the emerging Devon Integrated Care System being a single Integrated Strategic Commissioner, a number of Local Care Partnerships, Mental Health Care Partnership and shared NHS corporate services;



(b) to defer the implementation of the Integrated Care System process until assurances are provided on governance, funding, the future of social care from a democratic perspective and when a full engagement process has taken place;

(c) to recommend Councillor Ackland's paper and proposals on the reformation of the Health and Wellbeing Board as a sound democratic way forward to provide the necessary governance on a new integrated system;

(d) to give assurance that the proposals will not lead to deeper cuts in any part of Devon as a result of the 'equalisation of funding'; and

(e) to provide a copy of the business plan being developed and a summary of views from staff consultations.

Councillor Crabb then **MOVED** and Councillor Trail **SECONDED** that the motion be amended by the deletion, in (b) above of the words '*and when a full engagement process has taken place*'.

The amendment in the name of Councillor Crabb was then put to the vote and declared **Carried** and thereafter also carried as the substantive motion (replicated below).

that the Cabinet be requested:

(a) to record the Committee's concerns over the emerging Devon Integrated Care System being a single Integrated Strategic Commissioner, a number of Local Care Partnerships, Mental Health Care Partnership and shared NHS corporate services;

(b) to defer the implementation of the Integrated Care System process until assurances are provided on governance, funding, and the future of social care from a democratic perspective;

(c) to recommend Councillor Ackland's paper and proposals on the reformation of the Health and Wellbeing Board as a sound democratic way forward to provide the necessary governance on a new integrated system;

(d) to give assurance that the proposals will not lead to deeper cuts in any part of Devon as a result of the 'equalisation of funding'; and

(e) to provide a copy of the business plan being developed and a summary of views from staff consultations.

In terms of the Committee's consideration of the Report (outside of the call-in process), as at item 7 of the Agenda,

it was **MOVED** BY Councillor Randall Johnson, **SECONDED** by Councillor Ackland and

**RESOLVED** that the following be added to the Committee's Work Programme, where further scrutiny is required to:

(a) set out proposals for the Governance of the Integrated Care System;

(b) describe the functions and governance of the local partnerships;

(c) describe and, if necessary, enhance the engagement and communication of these proposals; and

(d) require a forward plan for the design of the 'Model of Care Audit' such that its scope and terms of inquiry will address present concerns.

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\* **53**      **North Devon Healthcare Trust: Action Plan in response to the CQC Report**

D Allcorn (Northern Devon Healthcare NHS Trust) attended and spoke to this item at the invitation of the Committee.

The Committee received a Briefing Paper from the Northern Devon Healthcare NHS Trust setting out the context of the recent Care Quality Commission (CQC) inspection of North Devon District Hospital managed by the Trust and the findings from the inspection, actions taken and how actions and improvements would be reported.

In response to Members' questions and comments the Trust representative commented:

- on the Trust's response to the overall finding 'requires improvement' as detailed in the Report with a robust Action Plan covering 140 separate action points, and backed up with regular meetings with NHS England, and the CQC which had commented on their positive response to date;
- despite the findings, staff surveys had shown morale remained good and positive, as was the feedback from patients via their independent volunteer assessors;
- widely reported concerns over a senior manager was considered by the Trust not to be the root cause of the adverse findings; and
- the Trust's general and mandatory training was aligned to the national frameworks and they were meeting compliance targets.

The Chair thanked the Trust for the update and asked that they kept this Committee up to date on progress of the Action Plan.

\* **54**      **Winter Pressures and New Model of Care**

In accordance with Standing Order 23 (2) Councillor Randall Johnson had requested that the Committee considered the Model of Care as part of this item.

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

(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, Dr S McCormack and J Turl (Royal Devon and Exeter Hospital Trust) attended and spoke to this item at the invitation of the Committee).

The Committee considered the Joint Report of the Head of Adult Commissioning and Health (Devon County Council); and Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) (ACH/18/83) on how Health and Social Care services had performed over the winter months for 2017/18. The Report covered preparation at organisational, community and Clinical Commissioning Group levels, predictable risks, domiciliary care, home care and primary care capacities, work force capacity and past winter experiences SWASFT and A&E performances and other key performance indicators.

The Chair thanked staff for their exceptional work during the Winter period, especially through the recent periods of snow.

In response to members' questions and comments the Joint Director, Trust representatives and Head of Adult Care Operations and Health commented:

- on their appreciation of the dedicated work of staff, the blue light services, volunteers, and the independent care providers working together over the recent difficult periods of very inclement weather;

- that in common with acute services nationally the RD&E, despite careful planning, had difficulties in meeting many targets across a range of services during this difficult winter period;
- on workforce issues which remained challenging and that providers were working collaboratively to mitigate difficulties;
- that the reduction of community beds appeared to have made no adverse impact on the pressure in acute service provision;
- on the contingency planning for the most vulnerable in community care during the winter period to ensure their safety, as an example of effective integrated health and care;
- on work by the NHS to promote voluntary take-up of free vaccinations by groups identified as most at risk;
- improved discharge processes from hospital to facilitate faster and effective assessments in the home environment (Discharge to Assess); and that Members were invited to view examples of the operation of the Integrated Teams through out Devon; and
- development of the New Model of Care being discussed by a joint Executive Board of the two Devon CCGs and how this would impact on pressures faced by acute and community services (a copy of their report would be circulated to Members).

The Chair requested that an update be provided when available on the impact of the recent snow events in the County in terms of elective and emergency operations for example and on the other service areas as detailed in the Report.

\* **55**      **NEW Devon/South Devon and Torbay CCGs/STP Financial Position**

In accordance with Standing Order 23 (2) Councillor C Wright had requested that the Committee consider regular reporting on the financial positions of the Clinical Commissioning Groups in the context of the new models of care and the former Sustainability and Transformation Plan and the emerging Integrated Care System and the impact on services and communities.

Dr S Manton, Joint Director (Strategy) North, East and West (NEW) Devon CCG and South Devon and Torbay CCG attended and spoke to this item at the invitation of the Committee noting that summary information was available for circulation to Members. Saving targets were broadly in-line with plans and further planning was ongoing with partners, with emphasis on early intervention and prevention as part of an integrated approach.

The Chair agreed that a paper on the financial position be submitted to the next meeting. Consideration would also be given on how the regular monitoring financial information received by the NHS could be routinely reported to this Committee.

\* **56**      **Promoting the Independence of Adults with Disabilities**

(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/18/84) on promoting the independence of adults with disabilities and feedback from listening events with service users and staff across the County at day and respite centres. A number of these had been attended by Members who commented on the excellent support provided which was greatly valued by the users and their families and dedication of the staff.

The Deputy Assistant Director and Senior Commissioning Manager (Disabilities and Mental Health) responded to Members' questions and/or commented on the:

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- use of additional SEND funding in relation to publicity and campaigning to promote supported placements working with employers to enable further opportunities for work experience and increased independence;
- listening events were not about reductions in services or day centre provision which were valued by all users, particularly the users with more profound disabilities in terms of the mutual support and networking opportunities provided for them and their carers/families.

The Chair commented on the excellent work underway to promote independence and the need for a watching brief particularly in terms of the transition stage from children's services to adult support.

## \* 57 Internal Audit Outline Audit Plan 2018/19

The Committee considered the Report of the County Treasurer (CT/18/29) on the Internal Outline Audit Plan 2018/19 which covered the proposed internal audit activity within Health and Adult Care for the coming financial year.

The Head of Adult Care Operations; and the Deputy Head of the Devon Audit Partnership responded to Members' questions and comments on:

- within the Plan (Risk Area/Audit Entity) the importance of examination of Models of Care comprising: review of the Devon Wide Strategy for the further development of the integrated arrangements for the provision of health in commissioning and the provision of care in Devon to provide assurance around: the roadmap and milestones; due diligence on options analysis and the division making process; and integrated care system – organisations, systems and partnerships; and
- the need for regular reporting and updates to the Committee in these areas; and therefore, the possibility of dedicating more Audit days on this key and wide-ranging area of activity;
- the use of qualitative as well and quantitative data and information; and
- the need for further work on scoping, with a focus on the higher levels of governance arrangements.

## \* 58 Work Programme

**RESOLVED** that the current outline Work Programme be noted subject to inclusion of the following topics (arising from this meeting) for future consideration:

- (a) Health and Care Integration (Minutes \*52 and \*57),
- (b) Northern Devon Healthcare NHS Trust Action Plan (Minute \*53),
- (c) Winter Pressures Overview 2017/2018 (Minute \*54),
- (d) CCGs Financial Position (Minute \*55).

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

## \* 59 Information Previously Circulated

The Committee noted the list of information previously circulated for Members, since the last

ordinary meeting, relating to topical developments including ones which have been or were currently being considered by this Scrutiny Committee.

(a) Care Quality Commission report on Northern Devon Healthcare Trust and response from the Chair on behalf of the Committee;

(b) Update from NHS England on orthodontic procurement.

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

The Meeting started at 2.15 pm and finished at 5.45 pm



## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

27 March 2018

Present:

Councillors A Dewhurst (Chair), P Colthorpe, M Asvachin, Y Atkinson, K Ball, R Bloxham, J Hook, P Crabb, A Eastman, R Edgell, A Saywell and M Shaw

Apologies:

Councillors C Chugg, I Hall and C Slade

Members attending in accordance with Standing Order 25:

Councillors Barker, Greenslade and Parsons

\* **54** **Minutes**

**RESOLVED** that the Minutes of the Ordinary and Budget meetings held on 31 January 2018 be signed as correct records.

\* **55** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* **56** **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr G Cashmore on a matter to be considered by the Committee that day, namely the Broadband and Mobile Phone Connectivity Task Group Final Report.

The Chair responded, thanking Mr G Cashmore for his representations which would be taken into account by the Committee during its subsequent deliberations.

\* **57** **Broadband and Mobile Phone Connectivity - Task Group Final Report**

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

The Committee received the final Report of the Task Group (CSO/18/12) which set out its findings and recommendations relating to Broadband and Mobile Connectivity in Devon.

In discussion with Members, the following points, in particular, were noted:

- the Connecting Devon and Somerset (CDS) public consultation on gainshare was now available on the CDS website;
- the Consultation would inform how best to utilise the gainshare monies;
- the latest CDS briefing had been circulated to Members in advance of this meeting;
- the transparency and accountability of the CDS Board meetings;
- 24,000 remaining premises to connect in Devon;
- CDS would be relaunching its voucher scheme, with one difference, that would allow people to aggregate their vouchers;

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- Airband and Gigaclear were being encouraged to become more proactive in listening to communities;
- 'gainshare' was a term created by BT; and
- that recommendation 3 in the Report should, in the heading, also refer to Take-up Clawback.

### RESOLVED

- (a) that Recommendation 3 in the Report be amended so that the heading reads '*Meaningful Consultation on Gainshare and Take-up Clawback*';
- (b) that the Report be endorsed and its recommendations commended to the Cabinet; and
- (c) that the Broadband and Mobile Connectivity Task Group continue to monitor and scrutinise the work that CDS and the Council are doing across Devon, with a greater emphasis on mobile phone connectivity.

\* 58

### **Agriculture - Task Group Update**

(Councillor Barker attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee and Councillor Greenslade attended in accordance with Standing Order 25(2) and spoke to this item)

The Committee received the Report of the Task Group (CSO/18/14) on progress made following the former Place Scrutiny Committee's Agriculture Task Group Report published in January 2017 and subsequently endorsed by Cabinet in February 2017.

In discussion, the following points were made:

- the Department of Environment, Food and Rural Affairs (DEFRA) had now published its consultation on the *Future for Food, Farming and the Environment* and the Council would be preparing a response before its deadline of 8 May;
- the report of the South West Rural Productivity Commission had been well received in Westminster and the Heart of the South West, Cornwall & Isles of Scilly, Wiltshire and Dorset LEPs were establishing a South West Productivity Task Force to take forward the Commission's recommendations highlighting the critical challenges;
- the successful Farmwise event held at Westpoint in September 2017;
- that recommendation 1 in the Appendix to the Report should reflect that Government funding was agreed until 2022, although the Committee acknowledged that the recommendations in the Appendix had been made at the former Place Scrutiny Committee in January 2017; and
- that recommendation 2 in the Appendix to the Report relating to fair and consistent pricing was unrealistic.

**RESOLVED** that an update be provided to a future meeting to include details of the Council's response to the DEFRA consultation.

\* 59

### **Gambling in Devon**

The Committee received the Report of the Head of Scrutiny (CSO/18/15) on the prevalence of gambling in Great Britain and Devon and the impact of gambling from a Public Health perspective.

The following points were noted in discussion with Members, namely:

- surprise that gambling was not considered a public health issue;



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- no data was collected on the effects of advertising (if any) and the potential for research here; and
- the importance of awareness and ensuring the correct help was available for those individuals and families affected by gambling.

**RESOLVED** that the Health and Adult Care Scrutiny Committee be invited to join a half-day Spotlight Review to investigate the negative effects that gambling had on people in Devon.

\* **60**      **Monitoring of Public Finance Initiative (PFI) Contracts**

The Committee received the Joint Report of the Chief Officer for Highways, Infrastructure Development and Waste and the Head of Digital Transformation and Business Support (HIW/18/19) which provided information on the Exeter Schools PFI Contract and the South West Devon Waste Partnership PFI Contract.

\* **61**      **Internal Audit Plan 2018/19**

The Committee received the Report of the County Treasurer (CT/18/30) on the draft Corporate Infrastructure and Regulatory Services Audit Plan for 2018/19 outlining the proposed audit reviews and associated risks and fraud prevention, detection and internal audit governance.

Members noted the low number of days allocated for internal audit activity in relation to Highways; and asked if an audit could be carried out on Connecting Devon and Somerset (CDS). The County Treasurer undertook to revert to the Committee on whether this fell within Devon County Council's or Somerset County Council's remit.

**RESOLVED** that audit reports be brought to a future meeting concerning Highways, to include the road safety strategy, and ICT Continuity and Disaster Recovery.

\* **62**      **Risk Management Annual Report**

The Committee noted the Report of the County Treasurer which summarised the risk management position and highlighted the current risks and actions in progress by management.

Members noted that the Gender Pay Gap reporting was not included within the risk register and the County Treasurer confirmed that Devon Audit Partnership would be working with the Council to ensure the correct information was included.

\* **63**      **Scrutiny Work Programme**

**RESOLVED** that the following topics also be added to the work programme for future consideration:

*Items:*

Gender Pay Gap

Devon and Somerset Fire and Rescue Service – Masterclass

Devon and Cornwall Police – update on Project Genesis

Heart of the South West Local Enterprise Partnership – 12 month update

*Task Groups:*

Skanska Performance and wider issues (Councillors Ball, Edgell, Saywell and Shaw)

Council Speed Limit Policy (Councillors Dewhirst, Bloxham and Hook and a request to other Scrutiny Committee members.

# Agenda Item 15k

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
27/03/18

**DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 5.13 pm

# Scrutiny Annual Report 2017/18

## HEADLINE STATS

### Committee Meetings

19 meetings held  
105 reports  
considered  
35 public  
presentations heard  
10 cabinet decision  
debated under 'call in'

### Task Groups & Spotlights

9 reviews established  
139 witnesses  
interviewed  
4 reports published  
28 recommendations  
for change



## CHAIR'S REVIEW

Following elections and a new Council in May, a new Scrutiny Committee structure was adopted, giving the Council three Scrutiny Committees; **Corporate Infrastructure & Regulatory Services**, **Children's** and **Health & Adult Care**. This new structure reflects the ongoing direction towards health and social care integration and a balancing of Scrutiny Committee workloads. Each Scrutiny Committee has its own specific remit but as Scrutiny Chairs we have worked together to take a 'whole Council' and Devon-wide approach to our overview and scrutiny role, and this year several themes have emerged across our work:

### Integration and working better together

Health & social care integration remains a significant challenge for Council and Health leaders, and Scrutiny have looked to influence this through reviewing the progression of the **Better Care Fund TG** as well as the establishment of a standing overview group. The need for better connections between the police, local councils and community/voluntary groups to find solutions to community wellbeing issues was highlighted in a review of the **Impact of Changes to Local Policing**, and multi-agency working has been a key concern for councillors examining the state of **Children & Young People's Emotional Health & Wellbeing** and the availability of the right support.

### Quality and Outcomes

Monitoring the quality of services and pushing for improvements is an enduring theme for Scrutiny. Members have continued to question CCGs over the impact of changes to community care services and examined the state of the NHS in Devon through the **NHS Inquiry** Spotlight Review. A further Spotlight Review established a number of principles to ensure that the future of **Public Health Nursing** maintained a focus on improving outcomes for children, and the quality and delivery of **Broadband and Mobile Connectivity** in the County was also examined through a Task Group review.

### Challenges facing a large and diverse County

As one of the largest counties in England, with a vast rural landscape, travel around Devon is predominantly by car, and the impact of this is being explored by the **Air Quality & Congestion** Task Group. Equally, in a climate of reduced funding, connecting people to local services across Devon is a key challenge, and this has been reflected in much of Scrutiny's work including the already mentioned reviews into local policing, community care and broadband and mobile provision. The difficulties recruiting and maintaining social work staff in rural areas was also highlighted by Members following visits to **Children's Social Care** offices.

Councillor Alistair Dewhirst, Chair of Corporate Infrastructure & Regulatory Services Scrutiny

Councillor Rob Hannaford, Chair of Children's Scrutiny

Councillor Sara Randall Johnson, Chair of Health & Adult Care Scrutiny

## HOW HAS SCRUTINY LISTENED?

Scrutiny Committees hear from Devon residents in a variety of ways and as such play an important role in Scrutiny's priority setting and direction.

### Task Group & Spotlight Review witnesses

This year almost 40% of review witnesses were representing communities or service users. Members also spoke to Council and NHS officers, service providers, public sector partners, schools and private organisations. As well as face to face meetings, reviews considered written evidence from the public and relevant groups, and used surveys to connect with town and parish councils and schools.

### Staff groups

Good scrutiny relies on a range of evidence which can include hearing from frontline staff. This year Children's Scrutiny Members met and heard from over **80 children's social work staff** during their visits to social care offices and the Atkinson Secure Children's Home.

### Written representations

Scrutiny Members are often lobbied on matters of public interest and community concern and this helps to inform Scrutiny priorities. This year **over 100 people** wrote to the Health & Adult Scrutiny Committee about proposed changes to community care services by CCGs. Public opinion around this matter has contributed to this issue being one of Scrutiny's most enduring and closely monitored concerns.

### Public presentations at Committee

Through the Council's Public Participation Scheme Scrutiny Members listened to public representations on:

- Special educational needs
- Broadband & mobile connectivity
- Sustainability & Transformation Plan
- Changes to community care services by Devon CCGs
- Children's centres
- Health & social care integration
- Plans for community hospital services and buildings
- Foster carer allowances
- HotSW LEP Productivity Plan

## HOW DID SCRUTINY INFLUENCE THE BUDGET?

A new process for the 2018/19 budget saw the Scrutiny Committees examine their services' draft budgets at Committee meetings in January. The Corporate Infrastructure & Regulatory Services Scrutiny (CIRS) Committee had a co-ordinating role whilst also considering their own services' draft budgets, alongside the proceedings and recommendations from the Children's and Health & Adult Care Budget Scrutiny meetings. The Committees were largely supportive of the proposed 2018/19 budget, including the proposed 4.99% increase in Council Tax (inclusive of the Social Care precept), with Members recognising the financial pressures the Council faces and the need to safeguard the Council's budget.

Scrutiny welcomed Devon's inclusion in the Government's business rates retention pilot and additional monies from the Better Care Fund, while asking for clarity over the future of this funding. **Scrutiny also asked Cabinet to provide additional funding to allow Highways to undertake more preventative drainage works. Taking into account Scrutiny's recommendation, Cabinet proposed an additional £6.5 million to the Highways budget, which was formally approved by the County Council in February.**

## WHAT HAPPENED NATIONALLY?

### Communities & Local Government Select Committee Report

In December 2017 the CLG Select Committee published its report into the Effectiveness of Local Government Scrutiny, recommending a number of measures to strengthen the independence of the scrutiny function and increased scrutiny of combined authorities, Local Enterprise Partnerships (LEP) and arm's length bodies. The Government published its response in March 2018, agreeing to provide further guidance on Scrutiny and promising reforms around LEP governance, but taking the stance that much of Scrutiny's working practices should be determined locally.

### Centre for Public Scrutiny Independent Review of Governance at Kensington & Chelsea

Following the Grenfell Tower tragedy, Kensington & Chelsea Council commissioned the CfPS to undertake an independent review of their governance arrangements. The report sets out 12 principles of good governance and several recommendations, the majority of which centre around a greater involvement of local people in decision making.

### Northamptonshire County Council

Following the Council's financial difficulties which came to light in early 2018, the Government ordered a Best Value Inspection of Northamptonshire County Council. The report, published in March 2018, concluded that the Council failed to comply with its duty under the Local Government Act to provide best value in the delivery of its services. Scrutiny arrangements were found to be ineffective with Scrutiny Members reporting that they had been refused information and that there was a culture in the Council which discouraged challenge and criticism.

# WHAT HAS SCRUTINY CHANGED?

Assessing the impact of Scrutiny is not always easy and a strong Scrutiny function influences decision making and policy development in a variety of ways. By developing a reputation based on robust questioning and examination of the issues, good Scrutiny drives decision makers to make better, more informed and accountable decisions. But as Local Government Scrutineers we must also ask ourselves 'What difference has Scrutiny made?', 'What has it changed?' and 'How have we improved things for the people of Devon?'.

Looking back over the last 12 months, tangible changes in council and local health policy and practice have taken place as a direct result of Scrutiny recommendations, or have been heavily guided by Scrutiny direction. In the last year Scrutiny has also influenced local partners, and through the lobbying of MPs and Government, sought to bring local concerns to the national table. Some examples are highlighted below.

SCRUTINY	ACTION	IMPACT
The <u>Agriculture Task Group</u> made several recommendations asking Government to stand up for agriculture and support Devon's rural communities and farmers, particularly in Brexit trade negotiations, agricultural policy, financial support and succession.	The Task Group Chair and a Cabinet Member presented the Task Group report and recommendations to South West MPs in Westminster. The report also heavily informed the Council's response to a DEFRA consultation on Brexit and agriculture.	The challenges facing agriculture in Devon have been raised at parliamentary level through local MPs, and with DEFRA, ensuring that the voice of agriculture in Devon contributes towards Government policy and decision around Brexit.
The Report of the Highways Asset Management Plan <u>Spotlight Review</u> recommended the addition of Performance Indicators to measure the Council's success in developing community self-help schemes and gully clearance and drainage.	The recommended Key Performance Indicators were added to the Council's Highway Asset Management Plan.	This has helped ensure that the Council is monitoring its own performance on issues which are important to communities.
Following an 'inadequate' rating from Ofsted, a <u>Task Group</u> reviewed the key issues facing Care Leavers and highlighted a number of areas for improvement including an increase in young people's involvement in pathway planning and the allocation of personal advisors.	Following the Scrutiny review and other work undertaken by Children's Services, the Care Leavers service strove to make improvements in these areas and a recent self-assessment identified increased involvement in pathway planning and highlighted the quality of personal advisors.	This has contributed towards the Council's commitment to improving life chances and outcomes for care leavers.
A <u>Scrutiny Spotlight Review</u> into the future of Public Health Nursing recommended that services be brought back in house. A later <u>follow up review</u> established six key principles to be up held in the future delivery of Public Health Nursing services.	Taking into account Scrutiny's views, Cabinet made an initial decision to give a one year extension to the current provider, before later making the decision to bring the service in house. Scrutiny's principles for future delivery were agreed by Cabinet.	Bringing Public Health Nursing services in-house offers many benefits including better integrated working with Early Years and Early Help services. Scrutiny's principles will form the basis for the development of the Public Health Nursing Service going forward.
A <u>Spotlight Review</u> was held to receive feedback and review the effectiveness of Health Scrutiny in Devon. Members recommended a number of steps to make Scrutiny more effective, including combining health and adult social care scrutiny into one committee.	The Council's Scrutiny structure was amended with effect from May 2017 to include the creation of the Health & Adult Care Scrutiny Committee.	This has allowed more integrated Scrutiny of health and adult social care issues, which should lead to better outcomes for the people of Devon.



## SUPPORT, ADVICE & TRAINING

### Scrutiny Team

The Council's Scrutiny Committees are supported by three **Scrutiny Officers**, carrying out research and proposing possible areas of investigation and lines of questioning. They attend committee meetings as advisers on current and planned investigations and project manage the work of Task Groups and Spotlight Reviews, including project milestones, triangulating data and research, identifying and inviting witnesses and other contributors, and compiling the information together into the investigation final report.

### Specialist Advisors

This year, both Children's Scrutiny and Health & Adult Care Scrutiny have employed **Special Advisors**, helping to equip Members with the appropriate knowledge to support their work monitoring and challenging decisions and policy development in education, social care and health.

### Masterclasses

Scrutiny Members continue to receive regular development sessions in the form of **Masterclasses** to further their understanding of key areas of the Council's business and relevant issues affecting communities. Topics this year have included Early Help, Safeguarding Adults and Emergency Planning.

## WHAT NEXT FOR SCRUTINY?

Looking to the future, Devon County Council faces the ever-demanding challenge of balancing its budget and improving life for the people of Devon, in a climate of continued **reductions in funding** and a **growing demand for services**. **Health & Social Care Integration** and support for an ageing population will continue to be a key theme for Scrutiny in Devon, alongside a growing focus on **Early Help**, aiming to **reduce demand for services** and **improve outcomes** for children and families.

National issues such as **Brexit** and **Devolution** will impact on the workings of the County Council and the lives of residents, and the Council's purposeful systems work '**Doing what matters**' is changing the way the Council thinks about delivering services across the County.

In times of change and instability, as a 'critical friend' Scrutiny has a key role in ensuring that the Council **steps up to these challenges** and brings the **voice of Devon residents** to the forefront of policy development and decision making.

Devon's Scrutiny Councillors will also need to keep abreast of national developments and take learning from the experiences of other local authorities.

We hope that pending Government guidance will provide Scrutiny with up to date direction, whilst still giving Councils the flexibility to determine local Scrutiny arrangements. Greater clarity on the requirements for LEP Scrutiny is also awaited, and we are currently working with our local authority partners to prepare for this.

## 20 YEARS OF SCRUTINY

2018 marks twenty years since Devon County Council first included a form of 'scrutiny' in its decision-making processes. The Council plans to host a learning, development and networking event in the Autumn, inviting Scrutiny colleagues from across the South West and further afield, to help celebrate, discuss and review two decades of Scrutiny in Devon.


**Scrutiny Chairs express their thanks to all Scrutiny Committee Members, recognising in particular the valuable contribution made by Members through Task Group investigations and Spotlight Reviews.**

**The support of the dedicated team of Scrutiny Officers continues to be highly valued by the Scrutiny Committees.**

For any background information on the work of scrutiny in Devon, individual Scrutiny Committees' remits and membership as well as past and present Task Group, Spotlight Review and Annual Reports please visit

<https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/>

Democratic Services & Scrutiny Secretariat, County Hall, Topsham Road, Exeter, EX2 4QD; tel. 01392 383143

email [scrutiny@devon.gov.uk](mailto:scrutiny@devon.gov.uk)  @DevonDemocracy