

County Council Thursday, 19th July, 2018



#### NOTES FOR VISITORS

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#### SatNav - Postcode EX2 4QD

### Walking and Cycling Facilities

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#### Access to County Hall and Public Transport Links

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

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

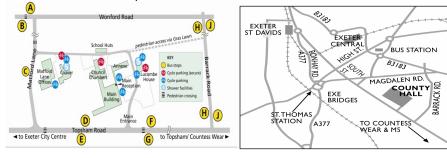
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#### Car Parking and Security

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

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Denotes bus stops

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#### First Aid

NB

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



To: Members of Devon County Council

County Hall Exeter EX2 4QD

11 July 2018

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on <u>Thursday</u>, 19th July, 2018 at 2.15 pm.

Chief Executive

[[Prayers will be offered by the Reverend Anne Thorne, Vicar of St Brannock's Church, Braunton, at 2.10pm, prior to the commencement of the meeting. All Members are welcome to attend].

# AGENDA

- 1 Apologies for Absence
- **Minutes** (Pages 1 12)

To approve as a correct record and sign the minutes of the meeting held on 24 May 2018.

- 3 Announcements
- 4 <u>Items Requiring Urgent Attention</u>
- 5 <u>Public Participation: Petitions, Questions and Representations</u>

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

- 6 Petitions from Members of the Council
- 7 Questions from Members of the Council

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

#### FRAMEWORK DECISION

NIL

# **OTHER MATTERS**

### 8 Cabinet Member Reports

To consider reports from Cabinet Members.

# 9 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Audit Committee 16 May 2018 (Pages 13 14)
- **b** Investment and Pension Fund Committee 15 June 2018 (Pages 15 18)
- c Standards Committee 2 July 2018 (Pages 19 22)
- d Procedures Committee 4 July 2018 (Pages 23 28)
- e Public Rights of Way Committee 5 July 2018 (Pages 29 32)
- f Children's Scrutiny Committee 4 June 2018 (Pages 33 38)
- g Health and Adult Care Scrutiny Committee 7 June 2018 (Pages 39 44)
- h Corporate Infrastructure and Regulatory Services Scrutiny Committee 12 June 2018 (Pages 45 52)

## **NOTICES OF MOTION**

#### 10 Traffic on A35 at Wilmington (Minute 103 - 24 May 2018)

To receive and consider the recommendations of the Cabinet (Minute 193(a)) 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;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that the County Council engages as a consultee with Highways England on their proposals for the A35 route corridor, and requests that the proposals are brought forward and implemented as soon as practicable.

## 11 Gender Pay Gap in Devon (Minute 104 - 24 May 2018)

To receive and consider the recommendations of the Cabinet (Minute 193(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that the Council welcomes the Motion and is currently preparing an action plan for the Council to ensure improvements are made. The Council further notes the recommendations for the Public Sector in the ECHR report and will be mindful of these when preparing the Council's Action Plan. The Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the issue on 12 June 2018 and resolved; 'that the Committee welcome the commitment of officers to undertake further research and analysis on the gender pay gap, in order to formulate an action plan, which will report back to the Committee in due course'. The Council fully endorses this approach and, additionally, will ask the new Joint Scrutiny Committee with responsibility for scrutinising the LEP, when established, to consider this matter as part of its work programme.

## 12 Adult Social Care Sector - Workforce Issues (Minute 105 - 24 May 2018)

To receive and consider the recommendations of the Cabinet (Minute 193(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18 /21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that the Cabinet Member with responsibility for Adult Social Care and Health Services raises issue of cross party working in his regular sessions with individual Devon MPs.

## 13 Grammar Schools and Additional Funding (Minute 106 - 24 May 2018)

To receive and consider the recommendations of the Cabinet (Minute 193(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Greenslade and referred thereto in accordance with Standing Order 8(2), namely;

County Council expresses its 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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that Council be advised that Devon only has one Grammar School and the measurable effect of this announcement on the school population of Devon is negligible. Therefore, Cabinet recommends no further action on the Notice of Motion.

## 14 <u>Customs Union and Sarah Wollaston MP Campaign (Minute 108 - 24 May 2018)</u>

To receive and consider the recommendations of the Cabinet (Minute 193(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that Council be advised that now would not be an appropriate time to take a Brexit position on the opinions of any of our MP's, therefore Cabinet recommends no further action on the Notice of Motion.

### 15 Stagecoach Southwest and Increased Fares (Minute 109 - 24 May 2018)

To receive and consider the recommendations of the Cabinet (Minute 193(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brennan and referred thereto in accordance with Standing Order 8(2), namely:

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.'

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/21 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that Council be advised Cabinet recognises the pressure Stagecoach is under in running commercial services, however, it is concerned regarding the change in provision for child fares within Exeter and will continue to work with Stagecoach to achieve the best possible service for all passengers.

## 16 Outsourcing and Devon County Council Contracts

Councillor Atkinson to move:

This Council is concerned that outsourcing Devon County Council (DCC) contracts can reduce financial flexibility and the ability to respond to changes in policies and facilitate effective cross department working across interrelated DCC services in complex areas like the health and wellbeing of children. Accordingly, DCC can no longer afford to be locked into long term, difficult if not impossible to vary contractual schemes for services like Children and Mental Health if it wishes to remain responsive to the needs of Children from birth to age 25.

In view of cross party concern to fully and effectively integrate cross department working in children's health and mental health services and education Devon County Council should bring back key services in-house and manage them in the wider public interest including value for money (defined broadly to include effects on public revenues and community wellbeing at large) and social value tests.

### 17 Badger Culling and DCC Property

Councillor Atkinson to move:

The Council will not permit badger culling to take place on property owned by the County Council and calls for the badger cull to be ended throughout Devon; due to the scientific consensus that it is ineffective and is therefore cruel and unnecessary.

The Council calls on DEFRA to begin a nationwide vaccination programme of badgers, which initial studies show to be highly effective in preventing the spread of bTB.

With the TB vaccine becoming available again, the Council calls on the government to instead invest in the development of cattle vaccine, more effective TB tests and introduce other measures to improve farm biosecurity as a vital part of effectively controlling bTB such as effective cattle movement controls

The Council calls on all governments, present and future, to not authorise badger culls for the purpose of controlling the spread of bTB, unless there is overwhelming scientific evidence showing the potential cull to be effective and necessary.

## 18 Dorset & East Devon National Park

Councillor Shaw to move:

This Council supports the establishment of a Dorset and East Devon National Park and resolves to submit a case for this to the DEFRA review of national parks.

## 19 Road Repairs and Skansa Contract

Councillor G Hook to move:

The quality of road repairs since Skanska took on the contract has reached a new low. Certainly, that is the case in Newton Abbot. Consequently, officers will make early recommendations to Cabinet for immediate improvements in the quality of workmanship. These recommendations to include more frequent quality control inspections and the imposition of financial penalties for inadequate work, demonstrated by the need to return to any given pothole or equivalent piece of work within a 6 month period.

# 20 <u>Community Hospital Buildings</u>

Councillor Wright to move:

This Council notes the millions of pounds that local communities have invested into their community hospitals over many years, across Devon.

This Council appreciates how much local people care about their hospitals, about retaining beds in those hospitals that still have them and about retaining health services in those that have lost their beds.

This Council acknowledges that the strong feeling that is present in many communities in Devon about the retention of community hospital buildings where beds have been closed.

This Council strongly **supports** the retention of all Devon community hospital buildings for the provision of health and social care services and will strongly **oppose** any plans to declare any community hospital building surplus to requirements.

## 21 <u>Universal Credit</u>

Councillor Atkinson to move:

Universal Credit is due to be rolled out in Devon in September. The National Audit Office has concluded in its recent report that Universal Credit has not delivered value for money and it is uncertain if it ever will.

The NAO has "significant doubts" about the DWP's expected savings. Universal Credit currently costs £699 per claim, which is four times as much as the DWP intends for it to cost when the systems are fully developed, the report said.

Local and national bodies, as well as claimants, showed the NAO evidence of people suffering hardship during the rollout of the full UC service. The report said: "These have resulted from a combination of issues with the design of Universal Credit and its implementation. The department has found it difficult to identify and track those who it deems vulnerable. It has not measured how many Universal Credit claimants are having difficulties because it does not have systematic means of gathering intelligence from delivery partners."

Its survey of full service claimants, published in June 2018, the department found that four in ten claimants that were surveyed were experiencing financial difficulties."

The report said that while it recognises the "determination and single-mindedness" with which the DWP has "driven the programme forward to date, through many problems" local and national organisations have raised issues and the department does not accept that UC causes hardship among claimants "because it makes advances available and believes that if claimants take up these opportunities hardship should not occur".

There are serious problems with the system's design and implementation. People need better support to make claims and should not be left without enough money to live on. It is unhelpful that the government reduces 40% from people's benefits to pay back a loan given to them to survive the month long gap before they receive their first payment."

The Council is urged to write to the DWP to ask what its plans are for making sure that the claimants in Devon do not suffer hardship in the changeover and to ensure that claimants can get the advice and support from the DWP and independent agencies.

# 22 <u>Environmental Protection</u>

Councillor Wright to move:

This council shares the government's desire to leave our environment in a better state than it is now.

But its proposals are unlikely to achieve that ambition. They will leave the environment with weaker protection than it currently has under our EU membership - a long way off the 'world-leading watchdog' it promised.

To deliver the protection the environment needs, this council calls on the government to ensure that the proposed new law, must at least:

- Deliver world-leading environmental governance, including the watchdog promised, with powers that are at least as strong than any other environmental watchdog in the world, which any citizen can complain to for free.
- Deliver a watchdog which will investigate all breaches of environmental law by any part of government, including reviewing and challenging significant, strategic or nationally important planning and infrastructure decisions, robustly enforce the law including through fines and legal action, and ensure public bodies act to ensure damage is restored.
- Put environmental principles into law, not just policy. These principles should include at a minimum, those environmental principles found in the EU treaties (for example, that principle that polluters should pay to rectify damage they cause), but the bill should allow for the addition of new principles where appropriate.
- Set legal targets for nature's recovery, against which this and future governments will be held to account, to ensure long-term action that will leave the environment in a better state.
- Work with other countries, in a transparent way, to co-develop and co-design environmental governance arrangements and secure our existing environmental principles.

This Council recognises the huge importance of the Devon environment – both for local residents and visitors who will support the local economy, as well as the wildlife, and urges government to listen to environmental organisations such as the RSPB and significantly strengthen proposals to meet its own strong ambitions for nature's recovery.

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?Cld=133&Year=0

Health & Wellbeing Board-

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

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

#### **Access to Information**

Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but links are provided for convenient reference.

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website and can be accessed via the Modern.Gov App, available from all the usual stores.

#### Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

#### **Questions from Councillors**

A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place.

#### **Public Participation**

Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place

Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon 4 working days before the meeting takes place.

For further details please contact Karen Strahan on 01392 382264 or look at our website at:

http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/

# Webcasting, Recording or Reporting of Meetings and Proceedings

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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.

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### **Mobile Phones**

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