

*County Council
Thursday, 19th July, 2018*

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

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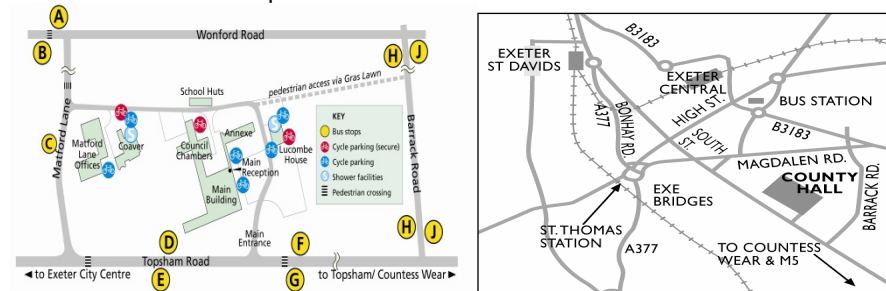
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NB   Denotes bus stops

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First Aid

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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

11 July 2018

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

A handwritten signature in black ink, appearing to read "Phil Dorney".

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].

A G E N D A

1 Apologies for Absence

2 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 Items Requiring Urgent Attention

5 Public Participation: Petitions, Questions and Representations

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

6 Petitions from Members of the Council

7 Questions from Members of the Council

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

FRAMEWORK DECISION

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 Customs Union and Sarah Wollaston MP Campaign (Minute 108 - 24 May 2018)

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.

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 Skansa 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 Community Hospital Buildings

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 Universal Credit

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 Environmental Protection

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?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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The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

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

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Mobile Phones

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



Induction loop system available

COUNCIL

24 May 2018

Present:-

Chair: R Radford

Vice-Chair: R Edgell

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

Apologies:-

Councillors E Brennan, A Eastman, R Gilbert and T Inch

83 Election of Chair

Councillor Sellis **MOVED** and Councillor Colthorpe **SECONDED** that Councillor Chugg be elected Chair of Devon County Council for the ensuing year.

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

COUNCILLOR CHUGG IN THE CHAIR

The Chair and Group Leaders expressed their gratitude to the immediate past Chair for his service during his year of office: Councillor Radford responded.

84 Appointment of Vice Chair

Councillor Saywell **MOVED** and Councillor Gribble **SECONDED** that Councillor Hosking be elected Vice Chair of Devon County Council for the ensuing year.

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

The Chair, immediate past Chair and Group Leaders thanked the immediate past Vice-Chair for his services and support to the former Chair during his year of office. Councillor Edgell responded.

85 Appointment of Deputy Leader of the Council

Councillor Hart, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED** that Councillor McInnes be appointed Deputy Leader of Devon County Council for the ensuing year.

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

Agenda Item 2

2
COUNCIL
24/05/18

86 Cabinet Members and Allocation of Remits

Councillor Hart, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED**:

"that the Council note that the Members shown in the Appendix circulated at the meeting have been appointed to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Annual Meeting of the Council in 2019".

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

The Leader and other Group Leaders paid tribute to Councillor Clatworthy, who was standing down from his Cabinet and Deputy Leader responsibilities, for his hard work and dedication over the last eleven years.

87 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 15 February 2018 be signed as a correct record.

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

88 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

89 Announcements

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

She then congratulated cricketer Dom Bess, originally from Sidmouth, who was making his debut for England in the first Test against Pakistan.

She further announced that Ivybridge Recycling Centre had won Civic Amenity Site of the Year in the 2018 Awards for Excellence and asked the Council to congratulate all those who had been involved in contributing to the success.

The Chair then reported the deaths of former County Councillors Sam Robinson and Joan Morrish. Former County Councillor Robinson had served as a County Councillor for 4 years representing the Bideford East area between 2009 and 2013. Former County Councillor Joan Morrish was elected to the County Council in December 1995 on a by-election and then again in 1997 for the Barton and St Loyes ward and served until May 2005.

In order to mark the 100th anniversary of women being granted the vote, Members were advised that the Suffrage flag had been on a journey around the UK, with the Council welcoming the flag to celebrate the life of Devon County Council's first woman councillor, Juanita Maxwell Phillips, elected in 1931. The Chair unveiled the official portrait of Juanita which would be kept in the Members lounge, but also a smaller framed version in the glass cabinets in the ante-chamber.

The Chair reported that 2018 marked the 100th Anniversary of the end of World War I and the battle fought by the 2nd Battalion of the Devonshire Regiment at Bois des Buttes in France on the River Aisne. On 27 May 1918, the 2nd Devon's made a heroic stand in the battle to repel a major enemy offensive and help turn the tide of the war. The French Government presented the 2nd Devon's with the Croix de Guerre, which was the equivalent to the Victoria Cross.

To mark the sacrifice and gallantry of the Devonshire Regiment, Members paused for a moment's silent reflection.

90

Appointment of Committees

Councillor Hughes **MOVED** and Councillor Way **SECONDED**:

(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.

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

91

Appointment of Chairs and Vice-Chairs of Committees

Councillor Hughes **MOVED** and Councillor Hannaford **SECONDED**:

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

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

92

Public Participation: Petitions, Questions and Representations

The Leader was presented, by Celia Hicks from Bampton Parish Council, with a petition organised by the residents of Bampton containing approximately 600 signatures asking for road improvements and speed mitigation to the south of the Spar shop in Newton Square to facilitate safer road crossing.

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A further Petition was presented to the Leader by Miss Yendell containing 105 signatures relating to parking at the bottom of Salmon Pool Lane, Exeter (access to River Valley Park), asking for current parking restrictions to be removed.

The Leader indicated that the relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Dr Philip Webber who spoke in support of the Motion from Cllr Shaw, which featured later in the agenda, regarding a lack of progress on proposed highway improvements in Wilmington, East Devon.

The Chair of the Council thanked the presenter for his comments, acknowledging the representations were heard by Members and would be taken into account when the matter was further raised.

93 Petitions from Members of the Council

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

94 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Member provided written responses to five questions submitted by a Member of the Council relating to Haldon View Respite Unit in Exeter, the timescale for sale, the position of staff who had previously worked there, the cost of maintaining the property, the expected length of time for sale and the facilities of the New Treetops Respite Unit.

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

[NB: A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

95 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

(a) Policy, Corporate and Asset Management

Councillor Hart commented, as requested by Councillor Hannaford on the Regional Growth Board highlighting that the work of the Joint Committee was to provide cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. He also outlined the further workstreams which included establishing a Sub-National Transport Body, to progress work across the HotSW area on housing, a communications strategy and establishing cross LEP area regional working through the South West.

He also responded to Councillor Atkinson on suitable homes for an aging population and the steps taken by the Council County to work with district councils and others to develop a Devon wide policy on social and affordable housing that met the needs of both families and elderly residents, commenting that whilst it was for District Councils as the local housing and planning authorities to ensure, through joint local plans, that specific sites were allocated, the County Council worked closely with District's on their local plans and made the important contribution of helping older people become and remain independent, for example by

providing / arranging care at home, adaptations to people's homes, the work of the Social Care Reablement Service and supporting community transport schemes .

He further commented on progress towards completing Part 1 claims for the South Devon Highway as requested by Councillor Dewhirst.

(b) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report on the strategy and action plan in relation to single use plastics and further commented, as requested by Councillor Hook on progress with County Council minute 44 of 5th October 2017 on the phasing out of single use plastics.

He reported that a Single-Use Plastics Strategy and Action Plan had been drafted and the review of DCC's consumption of single-use plastics had also been completed, which would be presented to Cabinet on the 13th June. The phasing out of all single use plastics was considered as part of the review and concluded that plastics were very engrained in peoples lives, therefore a slower transition was necessary. However, the greatest contributor to marine plastics was single-use food and beverage packaging and the Council would remove all avoidable, single-use plastic, food and beverage packaging and tableware by 2020.

The Cabinet Member had also contacted all Devon MPs seeking their active support in introducing a bottle deposit return scheme nationally, and all Devon Supermarkets be asked to introduce a plastic free aisle in their stores.

In addition, the Council would continue working with the Districts to improve the rate of plastic recycling in Devon and through the Devon Authorities Strategic Waste Committee.

A written Report was also presented in response to Councillor Atkinson on the opportunities presented in the Bus Services Act 2017 and how it could support the Devon Local Transport plan and also community transport and whether the Council should adopt a local Advanced quality partnership scheme and Enhanced partnership plans.

He also responded to questions on recycling rates and opportunities for joint working across Districts in respect of recycling schemes.

(c) Infrastructure Development and Waste

Councillor Davis circulated a Report, as requested by Councillor Hannaford on the current, planned and future disabled and lift access for Exeter's Railway Stations, highlighting that accessibility improvements would be carried out by Network Rail with Great Western Railway as the station operator, although approaches could be made to Network Rail.

(d) Adult Social Care and Health Services

Councillor Leadbetter circulated a Report, as requested by Councillor Hannaford, on a recent review by NHS England into the deaths of people with learning disabilities, which highlighted significant concerns surrounding their care. The Cabinet Member gave the Devon perspective, highlighting the work of the LeDeR steering group, the referral rates, the number of health reviewers in Devon and how the recommendations of the Report were being implemented.

He also responded to Councillor Greenslade on issues raised at the last Cabinet Meeting in relation to the input of Health Scrutiny into MOU's and Agreements with the NHS.

(e) Children's Services and Schools

Councillor McInnes circulated a report, as requested by Councillor Biederman on the current position with Children's Mental Health Services, including waiting times and transitions from

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childrens to adult services. The Report detailed the percentage position with regard to treatment times and highlighted that performance had been steadily improving.

The Cabinet Member also reported there was no evidence of delay in those aged 16/17 receiving treatment and no indication that young people had to wait until 18 to receive an appropriate service.

96 Minutes

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

Investment & Pension Fund Committee	-	23 February 2018
Appeals Committee	-	5 March, 16 April and 14 May 2018
Standards Committee	-	12 March 2018
Appointments & Remuneration Committee	-	14 March 2018
Public Rights of Way Committee	-	15 March 2018
Development Management Committee	-	21 March 2018
Audit Committee	-	28 March 2018
Procedures Committee	-	18 April 2018
Children's Scrutiny	-	20 March 2018
Health & Adult Care Scrutiny	-	22 March 2018
Corporate Infrastructure & Regulatory Services Scrutiny	-	27 March 2018

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

97 Regional Adoption Agency (Adopt South West) - Delegation

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that to give effect to the proposals approved by the Cabinet on 11 April 2018 for a proposed Regional Adoption Agency with Somerset County Council, Plymouth City Council and Torbay Council, as outlined in Report ([CS/18/19](#)), 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.

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

98 Members Allowances Scheme 2018

The Chair of the Council formally **MOVED** Minute 26 of the Procedures Committee (18 April 2018) and Councillor Hannaford **SECONDED**

(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.*

Councillor Connett then **MOVED** and Councillor Dewhirst **SECONDED** that (b) be amended by the addition of the following words at the end of the sentence;

'(b) and that any increase in Members Allowances agreed by Devon County Council will come into effect from when the new County Council is elected in May 2021, mindful of the existing strains in funding Devon's highways, education and care services and the Government's continued short-changing of Devon.

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

(In accordance with Standing Order 32(4) Councillors Brazil, Connett, Dewhirst, Greenslade, G Hook, J Hook and Way asked that their vote for Councillor Connetts amendment be recorded).

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

(In accordance with Standing Order 32(4) Councillors Brazil, Connett, Dewhirst, Greenslade, G Hook, J Hook and Way asked that their vote against Councillor Chuggs motion be recorded).

99

Scrutiny Annual Report 2017/2018

The Council received and endorsed the 2017/18 Annual Report summarising the activities and investigations undertaken by each of the Council's three Scrutiny Committees during the course of the year, the outcomes arising and the continuing challenges and development of the Scrutiny role over that period.

This new Scrutiny structure reflected the ongoing direction towards health and social care integration and a balancing of Scrutiny Committee workloads.

The Report highlighted that assessing the impact of Scrutiny was not always easy, but by developing a reputation based on robust questioning and examination, good Scrutiny helped decision makers make more informed and accountable decisions. Over the past 12 months, tangible changes in Council and local health policy and practice had taken place as a direct result of Scrutiny recommendations or direction.

The Chair of the Corporate Infrastructure and Regulatory Services Scrutiny Committee paid tribute, on behalf of the Chairs of Scrutiny Committees, to the efforts of all Members involved in the work of those Committees and Task Groups and to the support provided by Officers to facilitate the work of Scrutiny in Devon; advocating the continuing value of a strong,

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independent, Scrutiny function to advise the Council. The other Scrutiny Committee Chairs endorsed those remarks and also commented on the activities of their individual Committees.

In associating himself with the above remarks the Leader of the Council also expressed his thanks to the Council's Scrutiny Committees for the advice they had given to the Cabinet over the last year.

[NB: A copy of the Annual Report was available on the [website](#).

100

Accountable Care Systems (Minute 81 - 15 February 2018)

Pursuant to County Council Minute 81 of 15 February 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

'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'.

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 149(a) of 14 March 2018:

(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.

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be amended as outlined above.

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

Councillor Connett then **MOVED** and Councillor Greenslade **SECONDED** that the Motion be amended as follows;

That (ii) be amended by the addition of the following words and the end of the current sentence;

"that any future proposed changes to governance and accountability arrangements be subject to scrutiny in advance of any changes being agreed; and"

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

(In accordance with Standing Order 32(4) Councillors Brazil, Connett, Dewhirst, Greenslade, G Hook, J Hook and Way asked that their vote for Councillor Connetts amendment be recorded).

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

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

Pursuant to County Council Minute 82 of 15 February 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

'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'.

and having had regard to the advice of the Cabinet (the amendment) as set out in Minute 149(b) of 14 March 2018:

'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'.

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that the spirit of the Notice of Motion be approved in line with above.

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.

102 Neonicotinoid Insecticides

In accordance with standing order 6(2), the Motion was withdrawn.

103 Traffic on A35 at Wilmington

Councillor Shaw **MOVED** and Councillor Wright **SECONDED**

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.

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

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104 Gender Pay Gap in Devon

Councillor Atkinson **MOVED** and Councillor Ackland **SECONDED**

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.

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

105 Adult Social Care Sector - Workforce Issues

Councillor Atkinson **MOVED** and Councillor Ackland **SECONDED**

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

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

106 Grammar Schools and Additional Funding

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

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.

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

107 Scrutiny Call-in and Meeting Timescales

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

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.

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

108 Customs Union and Sarah Wollaston MP Campaign

Councillor Brazil **MOVED** and Councillor Greenslade **SECONDED**

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.

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

109 Stagecoach Southwest and Increased Fares

Councillor Asvachin **MOVED** and Councillor Aves **SECONDED** (the Motion being in the name of Councillor Brennan).

'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

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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.'

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 Revd Dobbs.

The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.

Minutes should be read in association with any Reports or documents referred to therein, for a complete record. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.15 pm and finished at 5.45 pm

AUDIT COMMITTEE

16 May 2018

Present:-

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

Apologies:-

Councillors J Berry and J Brazil

* 26

Minutes

RESOLVED that the Minutes of the meeting held on 28 March 2018 be signed as a correct record.

* 27

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 28

Annual Governance Statement 2017/18

The Committee considered the Report of the Leadership Group (CSO/18/17) on the Annual Governance Statement which the Council was required to publish in accordance with CIPFA/SOLACE guidance and to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015.

The Statement confirmed that the governance arrangements provided a high level of assurance; that the arrangements continued to be fit for purpose and that the Council's governance structures reflected the core and sub-principles of the Governance Statement.

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

RESOLVED that the Annual Governance Statement for 2017/18 be approved and the Chair be authorised to sign the Statement.

* 29

Annual Internal Audit Report 2017/18

The Committee received the Report of the County Treasurer (CT/18/44) on the performance of Devon Audit Partnership against the internal audit plans for 2017/18, concluding that internal audit was able to provide significant assurance on the adequacy and effectiveness of the Council's internal control framework.

The Members of the Committee raised the issues of cyber-security and of a Disclosure and Barring Service (DBS) check for Members.

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

RESOLVED

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

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- (b) that the satisfactory performance and achievements of Devon Audit Partnership during 2017/18 be noted;
- (c) that the Council's continuing commitment to the maintenance and enhancement of antifraud culture be endorsed;
- (d) that the Council's Monitoring Officer be liaised with to discuss a DBS check being introduced for Members;
- (e) that the issue of cyber-security be highlighted to the Cabinet Member for Organisational Development and Digital Transformation, Councillor Parsons;
- (f) that a follow up review be conducted in September 2018 on the progress of Audit against the identified risks.

* 30

Risk Management Annual Report 2017/18

The Committee considered the Report of the County Treasurer (CT/18/45) which sets out the Risk Management Policy and Strategy for 2017/18.

Members expressed concern that the data on the top 10 identified risks had not been systematically updated by management.

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

RESOLVED

- (a) that the Committee notes the changes and updates to the risk management process as supported by Devon Audit Partnership;
- (b) that Members note the roles and responsibilities identified in the update report and the revised Risk Management Policy and Strategy;
- (c) that the Committee notes the current risk position for all risks;
- (d) that Members note the 10 risks currently ranked the highest;
- (e) that the relevant Scrutiny Committees be invited to review the latest position on the top 10 risks.

* 31

External Audit Update

The Committee received the Report of Grant Thornton outlining the progress made in delivering their responsibilities as the Council's external auditors.

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

RESOLVED that the report and findings be noted.

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

The Meeting started at 2.15 pm and finished at 3.05 pm

INVESTMENT AND PENSION FUND COMMITTEE

15 June 2018

Present:-

Devon County Council

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

Unitary and District Councils

Councillors L Parker-Delaz-Ajete (Plymouth City Council) and J O'Dwyer (Torbay Council)

Unison and Retired Members: Non Voting Observers

R Franceschini and C Lomax

Apologies:-

Councillor R Edgell, D Healy and J Rimron

* **51** **Minutes**

RESOLVED that the Minutes of the meeting held on 23 February 2018 be signed as a correct record.

* **52** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **53** **Brunel Oversight Board**

The Committee received the Minutes of the Brunel Oversight Board meeting held on 22 March 2018.

* **54** **Internal Audit Report for 2017/18 and Internal Audit Plan for 2018/19**

The Committee considered the Report of the County Treasurer (CT/18/49) on the Head of Devon Audit Partnership's assurance on the system of internal control of the Fund as set out in Appendix 1 of the Report. Overall, and based on work performed during 2017/18, the Internal Audit's Opinion was of 'Significant Assurance' on the adequacy and effectiveness of the Fund's internal control environment. The Report also outlined the proposed Internal Plan for 2018/19 and the Service Level Agreement.

Members discussed with the Head of the Devon Audit Partnership links and associated risks in relation to the IT systems used by the Pension Fund and the systems within the County Council, including Peninsula Pensions. The County Treasurer indicated that she would also report to this Committee any issues identified in this area or regarding any external Employer Member of the Fund.

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

RESOLVED

(a) that Annual Internal Report for 2017/18 be accepted;

(b) that the Internal Audit Plan for 2018/19 be approved;

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INVESTMENT AND PENSION FUND COMMITTEE
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(c) that the Assistant County Treasurer (Investments) be authorised to execute the Service Level Agreement relating to the Internal Audit Plan; and

(d) that in the Annual Internal Report for 2018/19 and future reports a statement be included in relation to an opinion and assurance in respect of the IT systems linked to the Pension Fund within the County Council.

* 55 Training Review 2017/18 and Plan 2018/19

The Committee considered the Report of the County Treasurer (CT/18/50) on a review of the training provided to both Members of the Investment and Pension Fund Committee and the Devon Pension Board during 2017/18, and proposed a Training Plan for 2018/19 to ensure that Members had the knowledge and skills in accordance with the CIPFA code and the Pensions Act 2014. A draft of the Training Plan had been presented to the Devon Pension Board on 23 April 2018, and the Board's comments were set out within this Report.

Members discussed different aspects of accreditation and the need for a good knowledge base in accordance with the requirements and noted the current training included the self-assessment modules provided by the Pensions Regulator Toolkit, the programme of training days detailed in the Plan, as well as the support and advice from the Council's Member Development Officer, other Officers and the external Advisor.

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Parker Deaz-Ajete and

RESOLVED

(a) that the 2018/19 Training Plan be adopted; and

(b) that the Chair discuss further with Officers clarification of the training objectives, any further training needs and accreditation process, over and above that already provided for within the Training Plan.

* 56 Investment Management Report

The Committee considered the Report of the County Treasurer (CT/18/51) on the Fund value and asset allocation, performance against the benchmark, budget forecast monitoring and cash management, and engagement activity.

The Fund value at 31 March 2018 stood at £4,086.4 million, a decrease of around £130 million over the quarter, but an increase of £160 million since 31 March 2017.

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

RESOLVED

(a) that the Investment Management Report be noted;

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

(c) that State Street Money Market Fund be added to the Treasury Management approved counterparty list for the Pension Fund.

* 57 Currency Hedging on Passive Equity Allocation

The Committee considered the Report of the County Treasurer (CT/18/52) on the appointment of Managers by the Brunel Pension Partnership, and progress of the transition of allocations to Brunel and the currency exposure and hedging strategy.

The extent of currency hedging in place had been a key strategic investment decision by the Committee and the Report set out a proposed strategy for adjusting the level of currency hedging in place as the value of Sterling fluctuated.

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

RESOLVED

(a) that the currency hedging strategy for the Developed World Passive Equity Portfolio be approved;

(b) that the implementation of the strategy be delegated to the County Treasurer in consultation with the Chair of the Committee; and

(c) that the hedge on the European Fud assets within the specialist funds portfolio be reduced to 50% at the earliest opportunity.

* **58 Forfeiture and Recovery of Overpayments**

The Committee received and noted the Report of the County Treasurer (CT/18/55) on LGPS regulations and provisions for the scheme employer to reclaim overpaid benefits or re coup losses due to fraud, criminal offence or misconduct.

* **59 Applications for Admitted Body Status**

The Committee noted the following applications for admitted body status which had been approved since the last meeting of the Committee:

(a) Devon County Council (Sidmouth College) had appointed Caterlink for the provision of catering catering and cleaning services, and 21 members of staff transferred on 1st April 2018;

(b) Devon County Council (King Edward VI school) had entered into a contract with Aspens for catering and cleaning services, and 21 members of staff transferred on 1st April 2018;

(c) Devon County Council had appointed Action for Children to run the West Exe Children's Centre, and 8 members of staff transferred on 1st April 2018; and

(d) South Dartmoor Multi Academy Trust had entered into a contract with Compass for the provision of catering services, and 21 members of staff transferred on 4th June 2018.

* **60 Dates of Future Meetings**

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

The County Council's Calendar was available at:

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

* **61 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, namely 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

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Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **62 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/18/53) on an update on Brunel's appointment of a passive manager and the current proposed transition timetable.

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

RESOLVED

(a) that the progress on the transition of assets to the Brunel Pension Partnership Ltd, and the future transition timetable be noted; and

(b) that the situation regarding the sale of Aviva's multi-manager business to LaSalle Investment Management be noted.

* **63 Role of the Independent Advisor**

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

(Mr S Tyson declared a disclosable pecuniary interest in this item by virtue of his role as the Independent Advisor to the Committee and withdrew from the meeting during its consideration)

The Committee considered the Report of the County Treasurer (CT/18/54) on the current contract for independent advice to this Committee which would come to an end in September 2018 and the proposed way forward, considering the timetable for the transition of the Fund's assets to the Brunel Pension Partnership Ltd.

It was **MOVED** by Councillor Parker Deaz-Ajete, **SECONDED** by Councillor Bloxham and

RESOLVED

(a) that an exemption from tendering be sought to extend the current contract with M J Hudson Allenbridge for provision of the services of Steve Tyson as the Devon Fund's Independent Investment Advisor for up to two years from 1 October 2018; and

(b) that a revised specification be drawn up with a view to undertaking a competitive procurement process for the role of Independent Investment Advisor once the majority of assets have transitioned to Brunel.

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

The Meeting started at 10.30 am and finished at 12.00 pm

STANDARDS COMMITTEE

2 July 2018

Present:-

Councillors C Chugg (Chair), M Asvachin, R Bloxham, P Colthorpe, A Connett, J Mathews, P Twiss.

Co-opted Members

Sir Simon Day, I Hipkin, A Mayes and R Saltmarsh

* 34 **Minutes**

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

RESOLVED that the minutes of the meeting held on 12 March 2018 be agreed as a correct record.

* 35 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 36 **Exclusion of Press and Public**

It was **MOVED** by Sir Simon Day, **SECONDED** by Councillor Bloxham, 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 it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an 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.

* 37 **Allegation of Breach of Members' Code of Conduct**

The Committee considered the Report of the County Solicitor and Monitoring Officer which also included the Independent Investigator's Report into a complaint received from the Chief Executive Dr. Phil Norrey (the Complainant) relating to an alleged breach of the Members' Code of Conduct by Councillor Brian Greenslade (the Subject Member).

The covering Report of the County Solicitor and Monitoring Officer gave the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee that the views of the Independent Person to undertake an independent formal investigation be endorsed.

The County Solicitor and Monitoring Officer's Report highlighted that the Independent Investigator believed that the Subject Member had breached the Code but, stressed the importance of the Committee thoroughly considering the issues before reaching its own conclusion as to whether or not there had been a breach of the Members' Code of Conduct.

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The Report of the County Solicitor and Monitoring Officer also encompassed the views of the Independent Person following his consideration of the Independent Investigator's Report.

The County Solicitor and Monitoring Officer reminded the Committee of their role and remit which was to determine, in light of the Investigator's Report, whether or not it considered the Code of Conduct had been breached. If the Committee found there was no breach then there would be no further action, but if the Committee agreed with the Investigator and the Independent Person that there was a breach then it needed to determine what sanctions, if any, should be applied to the Subject Member.

The sanctions available to the Committee were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access).

The Committee then considered in full the content of the Independent Investigator's Report, which outlined that both the Subject Member and Complainant were interviewed along with four employees and the Chief Executive of North Devon District Council, and also the views of the Independent Person on the conclusions of the Independent Investigator's Report.

The Committee's deliberations and recommended course of action are reflected in full in the decision notice attached to these minutes, however, the decisions of the Committee on each of the alleged breaches and application of allowable sanction is detailed below.

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

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 1.3 (i) of the Code of Conduct, namely to '*promote and support high standards of conduct when serving in your public post, [.....], by leadership and example*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 4 (a) of the Code of Conduct, namely to '*treat others with courtesy and respect*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (b) of the Code of Conduct, namely '*not do anything which may cause the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010)*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (c) of the Code of Conduct, namely '*not bully any person (bullying being characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (h) of the Code of Conduct, namely, '*not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

The Committee then considered each of the sanctions available to them, in turn, and agreed the following. The County Solicitor and Monitoring Officer also informed the Committee of the views of the Independent Person in relation to those sanctions.

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

RESOLVED that the Subject Member not be required to issue a formal public apology.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Subject Member be formally censured, the wording of which be delegated to the Monitoring Officer, in consultation with the Chair of the Committee. A copy of the censure will be included in the decision notice, appended to these minutes.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Asvachin, and

RESOLVED that a recommendation be made to the Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Asvachin, and

RESOLVED that the Subject Member have his access to County Council premises restricted to the Member's Room, Council Chamber and Ante-Chamber, and that should the Subject Member wish to attend any other premises in order to carry out his duties as a County Councillor, he must give notice to an Officer within the Members Services unit and must be accompanied by an appropriate officer, to be identified following each request for access.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Monitoring Officer be asked to arrange and / or provide relevant training to the Subject Member.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh, Mr Hipkin and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Subject Member be removed from all outside bodies appointed or nominated by the Council which do not otherwise fall to the determination of the Group Leader.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

RESOLVED that the Subject Member does not have his ICT and computer facilities withdrawn.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

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

The Meeting started at 2.15 pm and finished at 4.40 pm

PROCEDURES COMMITTEE

4 July 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, R Hannaford and C Wright

Apologies:-

Councillors S Aves, A Connett and N Way

* 30

Minutes

RESOLVED that the minutes of the meeting held on 18 April 2018 be signed as a correct record.

* 31

Items requiring urgent attention

There was no item raised as a matter of urgency.

32

Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

The Committee considered the Report of the County Solicitor (CSO/18/22) on proposals for the establishment of a Joint Scrutiny Committee, to provide a strategic scrutiny function of the Local Enterprise Partnership (LEP).

The Report highlighted the content of the Mary Ney report, Review of Local Enterprise Partnership Governance & Transparency, which had been published in October 2017 and the Committee noted the advice within that Report that Scrutiny arrangements should be in place to monitor decision-making and achievements of the Local Enterprise Partnership (LEP). There was no current legislative framework for elected Member Scrutiny, but statutory guidance was anticipated in the next few months.

On a local level, there was no collective local authority scrutiny arrangement in place for the HotSW LEP and the Annual Conversation process for the HotSW LEP with the Government identified them as not being compliant in relation to Scrutiny. Future LEP funding from Government depended on the LEP having compliant local arrangements in place in conjunction with local authorities and Scrutiny was identified as a key area for improvement.

Mr Garcia, Chief Executive of the HotSW LEP therefore approached Somerset County Council (administrative authority for the LEP), with a formal request to urgently address the lack of compliant Scrutiny arrangements.

The Committee noted that other options had been considered such as LEP attendance at relevant existing Somerset County Council and Devon County Council Scrutiny Committees or using the HotSW Joint Committee, but neither option was considered sufficient by the Government.

The aim therefore was to develop a proposal for a formal joint LEP Scrutiny arrangement with Elected Members involved in the Scrutiny function, but independent of existing Scrutiny Committees, with a focus on strategic Scrutiny of the LEP and its strategies but ensuring there was no 'removal' of local scrutiny 'rights'.

Officers from Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council met and proposed potential terms of reference for how a joint Scrutiny

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Committee might work and on 30th May 2018, both Officers and Members from Devon County Council, Somerset County Council, Plymouth City Council, Torbay Council and West Somerset District Council held a meeting / review session at Devon County Council to consider and discuss the proposed terms of reference, the final version of which was attached at Appendix 1 to the Report.

The current proposals were light touch and appropriate in the absence of any such guidance, but of course may need to be revisited in light of the anticipated statutory guidance.

The Committee also noted that similar recommendations were being made to the other strategic authorities with direct representation on the proposed Joint Committee. If the recommendations were agreed by the four Councils, invitations would be sent to the District Councils in both County areas to invite the appointment of district representatives in accordance with Appendix 1.

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

RESOLVED

(a) that the implementation of a Joint Scrutiny function (Committee) for the Heart of the South West Local Enterprise Partnership (LEP) be approved and the Terms of Reference and Operating Procedures, as outlined in appendix 1, be endorsed, together with the required amendments to the Constitution, reflecting the new joint arrangements and Delegation of the Overview and Strategic Scrutiny of the LEP functions (as outlined in the roles, duties and responsibilities of appendix 1); and

(b) that Devon County Council becomes the host Authority to support the new Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee, which will operate under the Standing Orders of Devon County Council.

* 33

Member Development - External Opportunities

The Committee considered the Report of the County Solicitor (CSO/18/23) on proposals to extend the current Member Development offer in light of externally offered opportunities.

The Report outlined Minute *21 from the Procedures Committee from February 2018 which RESOLVED to look at the Member Development Strategy with a particular focus on how Members were supported to access learning opportunities provided by external providers.

This matter had also been raised at the Member Development Steering Group.

The Report highlighted that Councillors were supported to develop through different methods depending on needs identified as part of one to one interviews. This included Self-Development, Scrutiny Masterclasses, Briefings before Full Council, E-learning, Shared Service learning events, Bespoke Training Events and Approved Conferences.

Currently, attendance at any other conference(s) (other than those approved) required the specific approval of the Leader of the Council, with a presumption that attendance would not be permitted unless a case was made.

More recently, there had been a small number of events that might have supported a Councillors development and / or helped with a specific piece of work, for example courses provided by CIPFA, LGA and CCN.

The Report proposed a way forward to ensure the best use was made of training opportunities and the greatest value was achieved. It was suggested that a framework of conditions could be applied to any opportunity to complement the current limited list which included;

- that an expression of interest in a course needed to be submitted to the Democratic Services and Scrutiny Team - ideally a month before the date of the training in question;
- the attendee must have undertaken a Personal Development Interview (within the last 12 months);
- the applicant to demonstrate practical application of the training in their role at Devon County Council (for example in their work as Chair of a Scrutiny Committee); and
- an undertaking to share the learning from the development opportunity either through a simple written template and/or through a presentation of the learning as appropriate.

If more Members applied for training than there was a budget, there would need to be a competitive consideration with the final decision being made by the budget holder for this area, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate.

Members highlighted that events such as the LGA and CCN should be the focus as opposed to more commercial events.

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

RESOLVED that the framework outlined at section 4 of the Report be endorsed, but with the caveat that other mechanisms be explored first, such as training provision through the South West shared service or South West Councils.

34

Delegation of Off Street Parking Processing Functions

The Committee considered the Report of the County Solicitor (CSO/18/24) on the delegation of functions in relation to off-street parking.

The Report outlined that Exeter City Council was responsible for off street parking pursuant to the Road Traffic Regulation Act 1984 and had a number of car parks for the purposes of providing off street car parking within its administrative boundary. The County Council was responsible for on-street parking and had a team of officers providing back office support to its on-street car parking function.

The County Council and City Council wished to enter into a delegation agreement for the County Council to undertake on behalf of the City Council certain parking services. The County Council's Traffic Management Team were committed to sharing the benefits of the anticipated economy of scale.

The proposal was to assist Exeter City Council in the processing and handling of penalty charge notices issued in their off-street parking areas and a delegation to allow the County Council to provide services, including the handling of appeals and debts. This would be a three-year agreement which would also include accommodation for DCC operations staff. The processing service provided would be of equal value to accommodation so effectively a nil financial transfer.

In line with Article 4 of the Constitution 'Functions of the full Council', the decision whether or not to accept a delegation of functions from another Local Authority was reserved to the Council.

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

RESOLVED that the Committee recommend to the Council the following delegation of function in relation to off-street parking:

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The provision by the County Council of a fully managed service (utilising County Council staff and back office IT system) to process the Penalty Charge Notices issued by the City Council, in respect of its off-street carparks, the specific functions fully outlined at appendix 1 to the Report.

* 35 Notices of Motion at Council

The Committee was asked to consider whether there should be a restriction on the numbers of Motions submitted by individual Members for a single meeting.

Members discussed the objective of Notices of Motion in that they should be holistic and affecting the County as a whole as opposed to singular or local issues.

They further discussed the alternatives to submitting Motions such as the current facility for asking formal Questions, the Cabinet Member Reports process and also the role of Group Leaders advising their Group on the most appropriate mechanism for achieving a particular objective.

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

RESOLVED that Group Leaders be asked to remind their Groups of the processes and facilities that exist under the current Standing Orders and also highlight the purpose of Notices of Motions submitted ensuring Members use the best mechanism to achieve their aims.

36 Cabinet Member Reports at Council - Responding

The Committee was asked to consider the current process in relation to Cabinet Member Reports at Council, in particular the Cabinet Member responding and / or concluding after giving their Report.

The current process, as outlined in the Constitution, was circulated with the agenda and highlighted that the Cabinet Member should first present their Report and make any statement(s) in response to any matter specifically requested by a Member.

Councillors may then comment upon or ask a question of the Cabinet Member on any matter referred to in their Report or relating to their Cabinet remit. The Cabinet Member then responded to any such comments or questions immediately before the conclusion of the item.

Members were asked to consider whether the current process was sufficient or whether Cabinet Members should be responding to each point raised by other Members of the Council individually.

Members then discussed the importance of flexibility for Cabinet Members in how they might wish to respond.

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

RESOLVED that for a trial period, Cabinet Members can either respond to all matters raised, in line with the current process or, if preferred, take three questions at a time (posed by Members of the Council) and respond accordingly before taking further questions. During the Council meeting, the Chair of the Council will ask Cabinet Members how they wish to proceed when responding.

* 37 Chair's Room

Members were asked to consider the Chair's room in the Committee Suite Corridor, currently known as the 'Chairman's Room' and give consideration to renaming the room 'Hooper' in

memory of Rob Hooper, former Head of Democratic Services, who had recently passed away, but had served the Council, Councillors and Local Government for 47 years.

The Committee rooms, traditionally, had been named after former Chairs of the Council. Members, therefore, expressed their wish for a more appropriate memorial to remember Rob, for example, a tree and / or bench with appropriate plaque, in the grounds of County Hall.

RESOLVED that the Head of Democratic Services be asked to liaise with Rob Hooper's family to gauge their views on a suitable memorial.

* 38

Electoral Review of North Devon District Council - Final Recommendations

The Committee received the Report of the County Solicitor which outlined that the Local Government Boundary Commission for England had, on 8 May 2018, written to the Chief Executive outlining the final recommendations on the future electoral arrangements for North Devon District Council.

The Committee noted that the final recommendations proposed that North Devon District Council should have forty-two Councillors, which was one fewer than the current number.

Those Councillors should also represent five three-councillor wards, seven two-councillor wards and thirteen one-Councillor wards across the District. North Devon District Council would have twenty-five wards, two fewer than current.

The boundaries of twenty-two wards would change, but five would stay the same. A detailed report on the recommendations and interactive mapping was available on the website at: www.lgbce.org.uk.

* 39

East Devon Review of Polling Districts, Places and Stations

The Committee was made aware of the East Devon Review of Polling Districts, Places and Stations, which had been necessitated by the approval of the new electoral arrangements on 13th June 2017 by the Local Government Boundary Commission for England.

The consultation period for this review of Polling Districts, Places and Stations ended on 6 July 2018 and all representations must be made by 5pm on that day.

The County Council were a consultee in this Review and the Committee noted that all East Devon County Councillors had been informed to ask if there were any matters to which they would wish the Council to refer to in any response. The Head of Democratic Services updated the Committee on the responses received so far.

Members also noted that they were able to make representations in their own right.

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

RESOLVED that the County Council response be prepared using the views and comments of the Local Members.

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

The Meeting started at 10.30 am and finished at 11.30 am

PUBLIC RIGHTS OF WAY COMMITTEE

5 July 2018

Present: -

Councillors P Sanders (Chair), T Inch, J Brook, P Colthorpe, A Dewhirst, L Hellyer and M Shaw

Apologies: -

Councillors I Chubb and C Whitton

* **65** **Minutes**

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

* **66** **Chair's Announcement**

The Chair thanked the Officers for the informative and constructive training provided for Members prior to the meeting.

* **67** **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 26 April 2018 which covered a wide range of matters including a dog walking code for the Exe Estuary and a well received presentation by the County Council's Highways Asset Manager.

* **68** **Definitive Map Review 2017/18 - Parish of Eggesford**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure, Development and Waste (HIW/18/42) which examined the Definitive Map Review in the Parish of Eggesford in the Mid Devon District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Eggesford and no modifications were required to be made.

* **69** **Definitive Map Review 2017/18 - Parish of Feniton**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/43) which examined the Definitive Map Review in the Parish of Feniton in the East Devon District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Feniton and no modifications were required to be made.

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PUBLIC RIGHTS OF WAY COMMITTEE
5/07/18

* **70** **Definitive Map Review 2018 - Parish of Shaugh Prior**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/18/44) which examined the Definitive Map Review in the Parish of Shaugh Prior in the South Hams District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Shaugh Prior and no modifications were required to be made.

* **71** **Definitive Map Review - Parish of Combe Martin North Devon - Part 6**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/45) which examined the last proposal from the 25 that had arisen from the Definitive Map Review in the Parish of Combe Martin in the North Devon District.

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

RESOLVED that a Modification Order not be made in respect of Proposal 25, between points A-B-C-D and C-E as shown on drawing number HIW/PROW/18/25 in the Report.

* **72** **Addition of a public footpath from the County road opposite Broadmoor Farm to the County road south of Watergate Bridge in the Parish of Chittlehampton**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/46) which examined a Schedule 14 Application made in December 2017 by a resident of Chittlehampton for the addition of a public footpath in the Parish.

The Chair reported on written representations from Mr and Mrs Sherwood in support of a Modification Order.

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

RESOLVED that a Modification Order not be made in respect of the application.

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

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/47) on decisions and directions received from the Secretary of State.

* **74** **Modification Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/48) on a Modification Order confirmed as unopposed under delegated powers, namely:-

Footpath No. 15, Parkham Definitive Map Modification Order 2018.

* 75

Public Path Orders

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/49) on Public Path Orders made and confirmed under delegated powers, namely:

Diversion Orders

- (i) Footpath No. 11, Welcombe Public Path Diversion & Definitive Map and Statement Modification Order 2018;
- (ii) Footpath No. 8, Burrington Public Path Diversion & Definitive Map and Statement Modification Order 2017;
- (iii) Footpath Nos. 7 & 19, Okehampton Public Path Diversion & Definitive Map and Statement Modification Order 2017; and
- (iv) Footpath No. 8, Parkham Public Path Diversion & Definitive Map and Statement Modification Order 2017

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

The Meeting started at 2.15 pm and finished at 3.00 pm

CHILDREN'S SCRUTINY COMMITTEE

4 June 2018

Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, C Channon, J Hawkins, L Hellyer, R Hosking, T Inch, J Mathews, A Saywell, M Squires and C Mabin

Apologies:-

Councillors J Brazil, E Brennan and G Gribble

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 58

Minutes

RESOLVED that the minutes of Children's Scrutiny Committee meeting held on 20 March 2018 be signed as a correct record.

* 59

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 60

Announcements

The Chair reported on the recent sad passing of Rob Hooper, former Head of Democratic Services, who had worked for local government for 47 years, of which over 44 years were with the County Council, and was hugely respected by colleagues and Members across all political parties.

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

* 61

Public Participation

There were no oral representations received at the meeting from a member of the public. The Chair read out a statement to clarify the Council's procedures for public participation at Scrutiny Committee meetings.

* 62

Children Centres - Action for Children

The Committee received a presentation from representatives of Action for Children on the re-commissioning of Children's Centres which aimed to strengthen early help and deliver integrated community based services.

The main points covered by the presentation included how Action for Children were delivering services across all four areas, with eight main children's centre hubs each with its own annual service plan and additional satellite hubs; partnerships with services such as, inter alia, early help, social care, public health nursing and schools; 'Grow' and 'Play' by Action for Children commercial services; and supporting community groups such as Axminster Breastfeeding Group and Barnstaple Multiple Births Group.

Agenda Item 9f

CHILDREN'S SCRUTINY COMMITTEE
4/06/18

Members discussion points and questions raised included:

- that transitional funding had been made available to Action for Children;
- whether funding was available for Citizen's Advice;
- ongoing work and training with Devon Universities and public health;
- welfare reform and early help provision and the changes to Universal Credit.

RESOLVED that Action for Children be invited back annually to report to the Children's Scrutiny Committee.

* 63

Special Education Needs and Disability Update Report

(Councillor Biederman declared a personal interest in this matter by virtue of having a child with an Education, Health and Care Plan)

The Committee received an update Report from the Head of Education and Learning (CS/18/20) outlining the specific challenges faced by the local authority and the action being taken to mitigate these risks. Since 2014, SEND 0-25 had operated under the new SEND Code of Practice which brought together joint responsibility of education, health and care services to identify and plan to meet the needs of children with special educational needs (SEN). In Devon, an SEND Improvement Board monitored the joint responsibilities across the services and how these aligned within Devon's SEND Strategy.

Key points raised within the Report included:

- a 10% increase from September 2017 in the number of children with an EHCP, with data reporting 4093 EHCPs at January 2018;
- educational outcomes for children with SEN were higher than the national average and judged Good or Better by Ofsted;
- all transfers from Statements to EHCPs were completed within DfE timescales;
- feedback received from families was generally positive.

The Head of Service explained that current issues related to the First Assessment Process which was under considerable pressure and had resulted in delays in completing assessments within the statutory 20-week timescale. This in part was due to each child requiring professional advice to process their assessment, which had to come from at least an Educational Psychologist, Health and Care Professionals. Where one piece of information/advice was returned late, the plan could not be completed and the whole timescale was delayed. As a result, investment had been made to increase staff capacity and intensive monitoring had been put in place to ensure the impact of this investment was visible.

Discussion points with Members and Officers included:

- the quality of communication with parents;
- the number of special schools available in Devon (currently 10) with approximately 1,000 spaces, all of which were already filled for the start of September 2018;
- the need to expand current Special Schools and the number of places available;
- ongoing work with mainstream schools and the Devon Inclusion Project to provide necessary support for children with SEN to avoid Assessment and the need to attend a Special School;
- issues with ICT around the Council's new phone system which was hindering parents' ability to contact the 0-25 team, as it did not notify parents when a member of staff was engaged or that they were in a queue;
- the need to engage with parents and young people to understand how to make the process of obtaining an EHCP more streamlined and easier to access; and

- an update on the progress of the Dawlish Federation of Special Schools merger, which would open in September 2018; Members and Officers recommended a site visit in the autumn to further understand the running of a special school.

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

RESOLVED that a Task Group be set up to look into the process of Education, Health and Care Plans.

* 64

Children and Young People's Emotional Health and Wellbeing Task Group Report

The Committee received the Final Report of the Task Group (CSO/18/13) which set out its findings and recommendations relating to Children and Young People's Emotional Health and Wellbeing. The Report looked into concerns over children and young people with mental health and behaviour problems which could be linked to issues that affected adults, such as drug and alcohol abuse, domestic violence, sexual exploitation or even genetic disorders. Concerns had been raised regarding young people suffering with anorexia, bulimia, self-harm, stress or bullying, with schools often feeling the only option available to them was an already over-stretched Child and Adolescent Mental Health Service (CAMHS), with little early intervention available.

The Task Group therefore explored the options of early help available to schools, including the Early Help for Mental Health Services (EH4MH) and examples of best practice relating to support and intervention that could be rolled out across the County, specifically in relation to secondary schools.

Members noted the importance of ensuring the findings and recommendations of the Task Group Report be widely circulated to primary and secondary Headteachers.

RESOLVED

- (a) that the report and intention of the recommendations be endorsed; and
- (b) that the Chair of the Children and Young People's Emotional Health and Wellbeing Task Group work with Officers to review the phrasing of the recommendations to ensure that they are 'SMART' (Specific, Measurable, Achievable, Relevant and Time-Bound) before being commended to the Cabinet.

* 65

PRU Provision

The Committee received the Report of the Chief Officer for Children's Services (CS/18/21) updating Members on the current position of Devon's Alternative Provision and Schools Company Trust (SCT). The SCT had been running Devon's Alternative Provision since March 2015, where initially its performance was considered acceptable. However, in the last 18 months, concerns had been raised directly with the Trust over its performance, and directly with the Regional School Commissioner (RSC). As a result, the Trust was now under new interim leadership, with a new CEO and Board of Trustees appointed by the DfE.

Devon was undertaking a deep-dive into the commissioning of Alternative Provision to ensure its strategic overview and operational approach were aligned and provided appropriate education and a therapeutic offer to match the learners' specific needs.

Members were informed that the Regional Schools Commissioner had agreed upon a new sponsor for the three academies, who was an existing provider with two schools already graded as outstanding; with the current school improvement provider remaining in place during the transition phase until the contract for the new provider began.

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RESOLVED that the new PRU provider be invited to a future Children's Scrutiny Committee to provide a progress update.

* **66** **Performance - Education**

The Committee received the Report of the Head of Education and Learning (CS/18/22) on the latest performance measures, highlighting key areas including: Early Years, Children in Care, requests for Statutory Assessments, transfers from statements, rates of absence, Parental Responsibility and Penalty Notices and Ofsted outcomes. The Head of Service undertook to explore and report back to the Committee on the relationship nationally between Ofsted results and school funding.

* **67** **Learning from Audit in Children's Social Care 2017-18**

The Committee received the Report of the Head of Children's Social Care (CS/18/23) on the activity being undertaken to further develop Devon's learning from quality assurance activity. The Quality Assurance Framework set out the approach used to provide continual assurance that the Council was achieving positive outcomes. Messages of best practice would be shared to replicate across the service and any identified issues for corrective action would also be shared to support improvement.

Other key areas highlighted included improving outcomes for young people, a focus on quality, themed audits, self-assessment activities and a response to Children in Need. Areas of good practice highlighted included evidence of effective multi-agency working, practitioners evidencing that they knew and understood the needs of the children they were working with and that the wishes and experiences of the children were effectively captured in many cases. Areas for improvement included the quality of single assessments, visits, supervision and management oversight.

* **68** **Commissioning Liaison Update Report**

The Committee received a Report from the Chief Officer for Children's Services (CS/18/24) outlining the work of the Commissioning Liaison Officer in reviewing the current and future children's services commissioning activity. The Report highlighted key areas of focus, including Community Health and Care Contracts and pre-procurement preparations, disabled children's short breaks, placements for children in care and the Regional Adoption Agency.

The Commissioning Liaison Member highlighted the valuable work undertaken by the Commissioning Group, acting as a link between Scrutiny, Cabinet Members and Chief Officers and the significant commissioning activity undertaken at the Council.

COUNCILLOR SELLIS IN THE CHAIR

* **69** **Election of the Commissioning Liaison Member**

In line with the recommendations of the '*Scrutiny in a Commissioning Council*' Task Group Report, the Committee was asked to select a Commissioning Liaison Member, whose role was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:

<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

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

RESOLVED that Councillor Hosking be appointed as the Commissioning Liaison Member for the Children's Scrutiny Committee.

* 70

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:

- Behind the EHCP Task Group
- Individual Member Investigation led by Cllr Channon on the Council's preparedness for the new Ofsted inspection framework

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committeemeetings/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 5.15 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

7 June 2018

Present: -

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

Apologies: -

Councillors M Asvachin, P Sanders and P Twiss

Members attending in accordance with Standing Order 25 (2)

Councillors Ackland and Shaw

* **60** **Minutes**

RESOLVED that the Minutes of the meeting held on 22 March 2018 be signed as a correct record.

* **61** **Public Participation**

There were no oral representations from members of the public.

* **62** **Public Health Annual Report 2017/18**

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

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

The Committee considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity, presenting the Public Health Annual Report for 2017/18 (as the Director of Public Health in accordance with statutory duty), which was available at <http://www.devonhealthandwellbeing.org.uk/aphr/> previously considered by the Cabinet at its meeting on 16 May 2018. The Cabinet had welcomed and approved the Report for publication.

The Annual Public Health Report was the eleventh in a series of annual reports which began in 2007-08 on the health of the population of Devon. Over that period, there had been improvements in the health of the population of Devon. The pattern of disease had changed over the years – while life expectancy had increased, as modern medicine developed new techniques and treatments, so had the prevalence of long-term health conditions, such as diabetes, heart and lung disease, arthritis and dementia. The health of the population of Devon generally compared favourably with other parts of England and Wales except for some aspects of mental health, and deaths from skin cancer, strokes and falls.

The 2017/18 Report focussed on the long-term impact of poverty and disadvantage on the health and wellbeing of children, and to wider society, which was one that had a financial as well as a human cost.

The recommendations within the Report covered a range of matters which would involve close inter agency working across statutory and non-statutory bodies adopting a “child health in all policies” approach and to improve the collection and analysis of data to better inform decisions on how to improve the health and wellbeing of children and young people.

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Discussions points with the Chief Officer (Director of Public Health) included:

- despite positive health outcomes with effective partnership working, the historic low funding for Public Health in Devon at currently £37/head of population against the highest of £199/head, the 6th lowest of all upper tier authorities;
- despite the limited funding, service requirements were being met but there was little scope for further innovation and development of preventive strategies; and as a result Devon was being being penalised for its generally positive health outcomes;
- strategies in Devon to mitigate the gap in life expectancy rates in Ilfracombe, for example (the Director undertook to provide further information for the local Member);
- epidemiological and clinical reasons for not extending the HPV vaccine to boys (the Director undertook to provide more information for members); and
- ongoing research and evidence relating to the effects of social media on young people's mental health and wellbeing.

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

RESOLVED that the Cabinet be called upon to continue to lobby Government (Department of Health and Social Care; and the Treasury) for a fair Public Health Grant for Devon and that all Devon MP's be briefed accordingly.

* 63

Winter Pressures 2017/18

(Councillor Shaw attended in accordance with Standing Order 25 and spoke to this item relation to nursing care provision, cancer data, patient experiences, operation of the new model of care and bed occupancy rates).

The Committee received and noted the Joint Report of the Head of Adult Commissioning (Devon County Council) and Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) (ACH/18/87) on a review of activity and performance over winter, bringing in additional and updated information to cover the whole winter period from October 2017 to March 2018 and provided a comparison to the previous year, where available.

The Report also provided a summary of the winter review held by the multi-agency Devon Accident and Emergency (A&E) Delivery Board in March. This summarised what had gone well and what could be improved which informed the priorities for winter planning in 2018-19.

The Chief Officer for Adult Care and Health; the Head of Adult Care Operations and Health; the Deputy Chief Operating Officer (South Devon and Torbay CCG); the Chair, Eastern Locality (NEW Devon CCG), and the Deputy Chief Executive (South Devon and Torbay NHS Foundation Trust) responded to Members' questions and/or commented on:

- the excellent response by the health and social care personnel during the extreme weather events in March 2018 working with other agencies and volunteers; and the ongoing planning for future winters through the local A&E Board (and at Locality level within the CCGs) using the lessons learned from recent events, noting also the possible impacts of any prolonged severe weather conditions;
- the working partnerships through the local A&E Delivery Board, for example;
- local work force pressures and national and local joint initiatives for the recruitment and retention of health and social care staff;
- continuous monitoring of mortality rates using local and national benchmarks;
- data on community care bed occupancy rates for intermediate care (the NHS Officers undertook to provide more information for members);
- monitoring by the acute hospitals of extended 'trolley waits' and assurances in relation to patient welfare during the waits;
- definition of the 'Winter Hospital' on which further information would be provided;
- progress towards 7 day working in hospital settings;

- the positive feedback from Members' site visits to community health and care hubs in Holsworthy, and Exeter (Whipton); and
- the relatively high turnover rates for adult social care staff and vacancy rates.

The Chair thanked the Officers for their detailed responses.

* **64** **STP Financial Position**

(Councillor Shaw attended in accordance with Standing Order 25 (2) and spoke to this item in relation to the need for additional funding to mitigate the saving requirements).

The Committee received a presentation by the NHS Devon STP Lead Director of Finance covering (i) how the STP had helped transform services in Devon; (ii) the original STP financial forecast challenge; (iii) the Devon Health Economy – where we were now; (iv) 2017/18 Outturn, (v) savings to deliver financial improvement and how it was facilitated, and (vi) priorities going forward for continued financial improvement.

Members noted the useful overview of the financial position and reduction against the planned deficit from £61.9 m to £22.7 m in 2017/18.

Members requested further information and financial detail expanding on the information provided in the Report section headed 'How has this been facilitated'.

* **65** **Access to General Practice**

The Committee considered the Report of Director of Primary Care (NHS Devon and Torbay and NEW Devon CCGs) about accessibility of GP appointments in Devon, including a snapshot audit from the Newton Abbot area following concerns raised at the last meeting.

The Report outlined future planned improvements to GP access and to other services in the community and via online services. The report also referred to self-care initiatives including social prescribing and work with the voluntary and third sectors.

In response to Members' questions and comments the Clinical Chair, East Devon Locality commented on:

- the difficulties in assimilating data and benchmarking across the many GP Practices in Devon and the CCG was endeavouring to improve this area of monitoring;
- good information however was provided through the annual patient survey data and generally Devon had returned positive results;
- there was good information in relation to GP and practice nurse recruitment and retention and future workforce issues were recognised; and nurse practitioners were taking on a more extensive role alleviating pressures for GPs; and
- GP practices were subject to CQC inspections and most in Devon were rated as 'good' or above.

Members referred to the assistance Devon HealthWatch could provide in this area with further survey work. The Head of Scrutiny would progress this matter further.

* **66** **Better Care Fund: Task Group**

(Councillor H Ackland attended in accordance with Standing Order 25 (2) and spoke to this item and presented the Report as the Task Group Chair)

The Committee considered the Report of the Better Care Fund Task Group.

Its Terms of Reference were to:

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- (a) appreciate the historical aims and applications of the Better Care Fund;
- (b) understand the purpose and accountability of partners in integration;
- (c) contribute to the future direction and monitoring of success of the outcomes of the Better Care Fund; and
- (d) report back to the Health and Adult Care Scrutiny Committee on the findings of the Task Group.

The Chair of the Task Group indicated that progress and development of the Fund would be monitored through the Health and Wellbeing Board.

The Members welcomed the Report as a thorough examination of the Fund and its ongoing contribution to effective integration of Health and Adult Care services.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Whitton and

RESOLVED

- (a) that the Cabinet, Northern, Eastern and Western (NEW) Devon CCG and South Devon and Torbay CCG be requested to endorse the Report and adopt the recommendations detailed; and
- (b) that the Cabinet and the Clinical Commissioning Groups be asked to provide a unified response and report back on progress to the November meeting of this Committee.

* 67

Adult Social Care Survey and Focus Groups

The Committee considered of the Report Head of Adult Commissioning and Health (ACH/18/66) on the focus group findings and action being taken in response to them. Councillor Wright had been asked to take a lead on behalf of the Committee with the appropriate senior officers in the preparation of the Report.

The results of both the Service User and Carers surveys had been presented to the Scrutiny Committee as part of the 'Supporting Evidence' of the Adult Social Care Annual Report 2017. The report had been published on the Devon County Council web site.

The Report detailed the emerging themes from the surveys and the focus groups' actions points on how these would be addressed.

The Committee discussed the need for Member visits to carers and/or their representatives and/or a Masterclass on this subject prior to any Spotlight Review.

The Scrutiny Officer referred to a past Member Task Group report on Carers' Governance which would be circulated for Members' information.

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

RESOLVED that members site visits be arranged to Westbank Community Care Services for report to the next meeting of this Committee.

* 68

Future of Community Hospitals

In accordance with Standing Order 23 (2) Councillor Wright had requested that the Committee consider the future of community hospitals.

(Councillor Shaw attended in accordance with Standing Order 25 and spoke to this item in relation to a forthcoming NHS Property Services Estates Strategy and implications for the Seaton and Honiton Community Hospitals).

The Committee noted that the Estates Strategy was due for publication in July 2018 and it was expected that any substantive proposals would be subject to consultation. The Chair reported that a Media Statement on 15 May 2018 from the NEW Devon Clinical Commissioning Group had stated that there were no plans to close Honiton and Seaton Hospitals. The statement also stated that 'both hospitals are still open, thriving buildings providing more than 50 day services and clinics combined'.

It was **MOVED** by Councillor Wright, **SECONDED** by Councillor Greenslade:

'that this Committee strongly supports the retention of all Devon Community hospital buildings for use of health and social care services, furthermore this Committee strongly opposes any potential plans to make those buildings surplus to requirements'.

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

* **69** **Appointment of Commissioning Liaison Member**

The Chair thanked Councillor Ackland for her work as the outgoing Liaison Member whose role was to work closely with the relevant Cabinet Member and Chief Officer/Heads of Service, developing a fuller understanding of commissioning processes and providing a link between Cabinet and Scrutiny and commissioned services.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Way and

RESOLVED that Councillor Twiss be appointed Commissioning Liaison Member.

* **70** **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) Northern Devon Healthcare NHS Trust Action Plan (Minute *53) including information on the integration/collaboration with the Royal Devon and Exeter NHS Foundation Trust;

(b) recruitment and retention across health/social care and other key roles;

(c) information on the Memorandum of Understanding between the County Council and partners within the STP.

[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?RPId=133&RD=0&bcr=1>]

* **71** **Standing Overview Group and Quality Accounts**

The Committee received the responses made on behalf of the Committee in respect of the annual Quality Accounts from the five provider Trusts in the County Council area.

* **72** **Information Previously Circulated**

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The Committee noted the list of information previously circulated for Members, since the last ordinary meeting, relating to topical developments including ones which had been or were currently being considered by this Scrutiny Committee.

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

The Meeting started at 2.15 pm and finished at 6.10 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

12 June 2018

Present:

Councillors A Dewhirst (Chair), P Colthorpe (Vice-Chair), Y Atkinson, K Ball, R Bloxham, J Brook, P Crabb, A Eastman, M Shaw, C Slade and H Ackland

Apologies:

Councillors J Berry, J Hook, I Hall, J Berry and R Radford

Members attending in accordance with Standing Order 25

Councillors M Asvachin, R Croad, R Hannaford, J Hart, A Leadbetter, B Parsons and A Saywell

* **65** **Minutes**

RESOLVED that the Minutes of the meeting held on 27 March 2018 be signed as a correct record.

* **66** **Matter of Urgency: Highway safety defects**

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

(Mr Simon Kane, Contract Manager from Skanska, 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 concerns raised by both Members and the public relating to the high number of potholes not being repaired and the concern at Skanska's performance.

The Chief Officer for Highways, Infrastructure Development and Waste recognised the concerns raised, which were attributed to the extreme winter weather conditions and the high volume of potholes. She explained that over 40,000 potholes had been dealt with, but it was also acknowledged that delivery of the repairs had not been as expected.

In discussion, Members raised concern at the lack of gulley clearing, causing flooding onto roads which increased the size of the potholes and also the efficiency of pothole filling and re-filling.

The Chief Officer emphasised that Skanska would only repair potholes they had been authorised to do by the Council and that the highways team were currently trialling different ways of working with Skanska to improve efficiency.

Mr Kane reported that Skanska were undertaking work relating to the quality side of the business which would be cascaded to the operatives on the ground.

RESOLVED that the Task Group previously established be initiated with immediate effect.

* **67** **Public Participation**

In accordance with the Council's Public Participation Rules, the committee received and acknowledged oral representations made by Mr David Incoll on behalf of the Exeter Cycling Campaign and Mr Julian Burn relating to item 9 on the Agenda - Air Quality and Congestion.

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(a) Mr Incoll highlighted the risk to health that prevented some people from taking up cycling and if there were any proposals to address this; and

(b) Mr Burn wished to make the Committee aware of the Dutch Cycling Infrastructure which could help to reduce air pollution and the research conducted into how air pollution impacted on health.

The Chair thanked Messrs Incoll and Burn for their representations which would be taken into account by the Committee during its subsequent deliberations.

* 68 Call-in of Cabinet Member Decision - Haldon View, Exeter

(Councillor R Hannaford attended in accordance with Standing Order 25(2) and spoke to this item and Councillors A Leadbetter and J Hart attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

In accordance with the Scrutiny Procedure Rules, the requisite number of Members of the Council (Councillors Aves, Hannaford, Whitton, Atkinson, Brannan, Asvachin) had invoked the call-in procedure in relation to the decision of the former Cabinet Member for Resources and Asset Management relating to the proposal to declare the building Haldon View, Exeter as surplus to the requirements of the Council.

This was on the grounds that, *'Haldon View is an asset that we understand will not continue with being used by Devon County Council but with the lack of social housing in Exeter we want to call in this decision to find out what can be done to make sure this asset is used for social housing in Exeter working with key partners such as Exeter City Council'.*

Councillor Hannaford spoke on behalf of the Members who had called-in the decision to highlight the lack of affordable housing in Exeter and the problems of young people getting on the property ladder; how historically the Council had worked with Exeter City Council on vacant sites; and the concern lest Haldon View became further student accommodation.

Councillor Hart, as Cabinet Member for Policy, Corporate and Asset Management, explained that a Cabinet Member decision to declare Haldon View surplus had been confirmed on 12 April 2018. He further added that it fell within a Conservation Area and that affordable housing and student accommodation were not responsibilities of Devon County Council.

Councillor Hart commented on access to the property, a previous planning permission, likely valuation, and the opportunity for renovation and/or conversion.

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

RESOLVED that the Cabinet Member decision to declare Haldon View surplus to requirements be confirmed.

* 69 Project Genesis Update and Changes to Local Policing

(Councillor Ball declared a personal interest in this item by virtue of being a Street Pastor in Okehampton)

(Chief Superintendent Jim Colwell from Devon and Cornwall Police attended and spoke to this item at the invitation of the Committee)

Chief Superintendent Colwell provided the Committee with a progress report following the recommendations made in the Committee's Impact of Changes to Local Policing Spotlight Review report of November 2017 as follows:

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Recommendation 1

The Police had undertaken an investigation across the County and there was to be an announcement at the Police and Crime Panel on Friday relating to numbers of Police Community Support Officers (PCSOs). Chief Superintendent Colwell would share this information with the Committee when available.

Recommendation 2

Considerable research had been undertaken to give a more detailed understanding of the role of PCSOs, guided significantly by neighbourhood policy.

Recommendation 3

The Connectivity Steering Group now had a delivery plan identifying 10 minimum standards which formed a key part of the business plan, to which all its members were signed up to.

Recommendation 4

Special Constables were being recruited again, but this remained a challenge in North Devon. Also, people from the private sector were being brought in to tackle the problem of cyber crime and a number of voluntary driver roles had been formalised as well as student volunteers. A Connect Group had opened in Okehampton and a Rural Engagement Team had signed up to work with Farm Watch. A road safety strategy was also being developed.

Recommendation 5

The Safer Devon Partnership (of which the Chief Superintendent was Chair) had a strong focus on the Prevention agenda and had supported several bids by Devon County Council for Government funding. Also, the Office of the Police and Crime Commissioner supported the Pathfinder Scheme, which challenged and changed the behaviour of first time offenders.

In response to Members' questions and comments, the following points in particular were highlighted:

- close working with Street Pastors was an effective resource, especially in Torbay and Newton Abbot;
- a Street Cadet group was to be established in Okehampton;
- the Councillor Advocate Scheme was promoting a number of seminars; take-up was mixed and the Police and Crime Commissioner was working on attaining a consistent take-up;
- a Policing Education Qualification, requiring a Degree, would be rolled out shortly;
- lack of awareness of the Councillor Advocate Scheme; and
- decline of PCSOs, their role and the delivery of a 2-year fast track programme linked to Exeter University.

RESOLVED

- (i) that Chief Superintendent Colwell attend a future meeting of the Committee and present a written report on further progress in relation to the recommendations made in the Spotlight Review report; and
- (ii) that the Police and Crime Commissioner be asked to share information on the Councillor Advocate Scheme with County and City Councillors.

* 70

Libraries Unlimited - Progress report

(Councillor Croad, Cabinet Member for Community, Public Health, Transportation and Environmental Services, attended in accordance with Standing Order 25(1) and Ms C Eastell, Chief Executive of Libraries Unlimited, Ms J Dent, Chair of the Board of Trustees, Emily Macaulay, Staff Trustee and Emily Williams, Cultural Associate attended and spoke to this item at the invitation of the Committee)

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The Cabinet Member and the Chief Executive of Libraries Unlimited (the company) provided Members with an update on progress to date, highlighting the following in particular:

- book issues had dropped nationally but computer and Wi-Fi hours had increased;
- 3D printing was available;
- the company had been recognised nationally;
- there were 350 employees in over 50 libraries;
- the contract for Torbay libraries had recently been taken on, together with three Prisons contracts;
- savings had been made in the first two years, with efficiencies still to be made;
- there were new libraries in Ottery St Mary, Bampton and Chagford and one shortly in Topsham; and
- the company had been awarded an accreditation from the Arts Council.

A presentation was shown which gave a flavour of the variety of uses for libraries. In particular, Exeter Library was recognised by the Exeter Mosque as a 'safe place', and a TEDx event had recently been held there.

The Company's Annual Report 2016/17 was made available to Members.

RESOLVED that Libraries Unlimited give a presentation to a Masterclass on the morning of 25 September 2018 providing further details on numbers of issues, performance and the new computer system, which would then be considered at the Scrutiny Committee meeting in the afternoon, with questions to be submitted through the Head of Scrutiny.

* 71

DYS Space Update

(Councillors Croad, Cabinet Member for Community and Environmental Services, in accordance with Standing Order 25(1), Councillor Hannaford, in accordance with Standing Order 25(2) and Mr Kevin Henman, Chief Executive of DYS Space, attended and spoke to this item at the invitation of the Committee)

Councillor Croad introduced Mr Henman who shared with the Committee the progress of tackling the challenging issues that DYS Space faced in its nine centres across Devon.

Mr Henman explained that national funding had been drastically reduced and around 600 youth centres had closed since 2012 with large numbers of qualified youth workers having been made redundant. One-third of school children referred to CAMHS were deemed not to have met the threshold and were without additional support and 808,000 young people remained NEET (not in education, employment or training). Since 2012, there had been a 335% increase of 14-year-old girls being admitted to hospital after attempted hangings. Among issues being addressed were mental health, loneliness, high levels of child sexual exploitation and drugs.

Mr Henman added that DYS Space ran the Duke of Edinburgh Award Scheme; were currently looking to work with the Atkinson Unit and had, since 2012, appointed three apprentices. One important area of work was the Open Access Network which ran across the nine centres.

DYS had a three-year contract with the County Council until January 2020 and its Annual Report had previously been circulated to Members.

Councillor Hannaford questioned whether this item would be better considered under the Children's Scrutiny Committee and suggested the Annual Report be taken to a future meeting of that Committee.

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The Head of Scrutiny clarified that the work of DYS Space spanned between both the Corporate Infrastructure and Regulatory Services Scrutiny Committee and the Children's Scrutiny Committee.

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

RESOLVED

(a) that the operational scrutiny of DYS Space be led by the Children's Scrutiny Committee for inclusion in their work programme and that invitations be extended to this Committee for any future Task Group work relating to this issue; and

(b) that Members of this Committee be included in the consideration of the re-tendering of the youth services contract.

* 72 **Air Quality and Congestion Task Group**

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

The Committee received the Report of the Air Quality and Congestion Task Group (CSO/18/20) and noted the recommendations contained therein. The Chair of the Task Group thanked everyone involved with the preparation of the Report and stated that note had been taken of what had been said earlier in the meeting during the Public Participation item.

Councillor Hodgson welcomed the recommendations made in the Report and acknowledged that it was a national issue affecting health, safety, obesity and quality of life, where a change in behaviour was challenging. There was a need to look long term at reducing air pollution and congestion by concentrating on the next generation.

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

RESOLVED that the Task Group and recommendations be commended to the Cabinet with a view to undertaking further work on this issue as appropriate.

* 73 **Locality Budget Annual Report 2017/18**

The Committee received the Joint Report of the County Treasurer and Chief Officer for Communities, Public Health, Environment and Prosperity (SC/18/2) which, in line with the Council's 'Locality Budget Operating Principles', provided an annual statement summarising the allocations approved by Members in relation to their Locality Budgets.

* 74 **Treasury Management Stewardship Annual Report**

The Committee received the Report of the County Treasurer (CT/18/48) on the Treasury Management Stewardship Annual Report 2017/18 setting out the outturn position, reviewing performance and informing Members of any key matters arising from the Council's Treasury and Debt Management activities during the 2017/18 Medium Term Financial Strategy.

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

RESOLVED that the Treasury Management Stewardship Report for 2017/18 be endorsed and recommended to Cabinet.

* 75 **Gender Pay Gap**

The Committee received the Report of the County Solicitor (CSO/18/18) on the Gender Pay Gap (GPG) figures which the County Council were required to publish under the Equality Act

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2010 (Specific Duties and Public Authorities) Regulations 2017, explaining that GPG was the difference between the average earnings of men and women, and not a measure of equal pay.

The Report provided the Council's GPG figures, external comparisons, both national averages and council averages, the reasons for the Council's GPG and the action committed to reducing it. Appended to the Report was a graph showing the number of employees by grade and gender. The Council's figures did not include Schools.

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.

* 76 **Clear Channel Contract**

(Councillor M Asvachin attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee.

The Committee received the Report of the Member Investigation (CSO/18/22) providing details of the investigation undertaken into the provision of bus shelters by Clear Channel under its joint contract with the County Council and Exeter City Council.

The Report outlined progress on the current bus shelter replacement programme and difficulties preventing replacement; reporting and monitoring for the future; discussions taken place and recommendations made.

Councillor Asvachin highlighted in particular the poor communication between parties and the lack of regular invoicing.

RESOLVED that the recommendations contained in the Task Group Report (CSO/18/22) be endorsed and referred to Exeter Highways and Traffic Orders Committee for consideration.

* 77 **Election of Commissioning Liaison Member**

RESOLVED that Councillors Atkinson and Ball continue as Commissioning Liaison Members for the ensuing year.

* 78 **Scrutiny Work Programme**

RESOLVED that the following topics be included in the work programme:

Potholes and Safety Defects Task Group
Membership: Councillors Ball (Chair), Dewhirst, Crabb and Shaw.

Problem Gambling – One-day Spotlight Review
Membership: Councillors Dewhirst (Chair). Dates to be canvassed.

Speed Limits Task Group
Membership: Councillors Dewhirst (Chair), Colthorpe, Shaw and Bloxham

Universal Credit

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

The Meeting started at 2.15 pm and finished at 5.55 pm

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