

*County Council
Thursday, 4th October, 2018*

NOTES FOR VISITORS

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

Access to County Hall and Public Transport Links

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

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

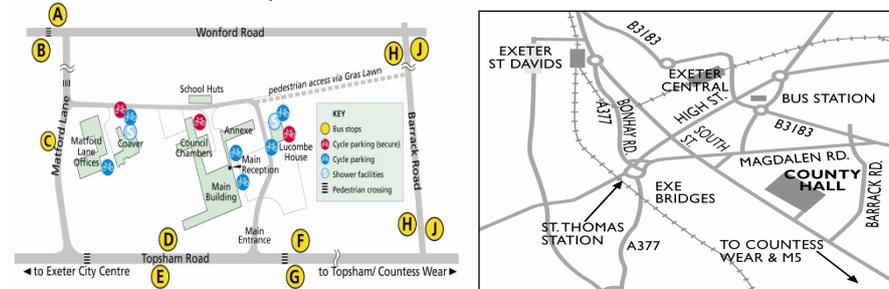
Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

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

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NB   Denotes bus stops

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First Aid

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



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

26 September 2018

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 4th October, 2018 at 2.15 pm.

A handwritten signature in black ink that reads "Phil Dorrey".

Chief Executive

[Prayers will be offered at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1 Apologies for Absence

2 Minutes (Pages 1 - 12)

To approve as a correct record and sign the minutes of the meeting held on 19 July 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 Development Management Committee - 25 July 2018 (Pages 13 - 16)
- b Audit Committee - 27 July 2018 (Pages 17 - 18)
- c Appeals Committee - 3 September 2018 (Pages 19 - 20)
- d Procedures Committee - 10 September 2018 (Pages 21 - 24)
- e Investment and Pension Fund Committee - 14 September 2018 (Pages 25 - 28)
- f Development Management Committee - 19 September 2018 (Pages 29 - 30)
- g Children's Scrutiny Committee - 17 September 2018 (Pages 31 - 34)
- h Health and Adult Care Scrutiny Committee - 20 September 2018 (Pages 35 - 40)
- i Corporate Infrastructure and Regulatory Services Scrutiny - 25 September 2018
Will be published available [here](#) shortly.

NOTICES OF MOTION

10 Scrutiny Call in and Meeting Timescales (Minute 107 of 24th May 2018)

To receive and consider the recommendations of the Procedures Committee (Minute 43) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Connett and referred thereto in accordance with Standing Order 8(2), namely;

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.

Having had regard to the aforementioned, the current constitutional guidance and other suggestions or alternatives considered at that meeting the Procedures Committee subsequently resolved:

that in view of there being no breach of the Council's Standing Orders and the meeting had been arranged in line with those Standing Orders, there is no requirement to amend the current processes. The Committee recommends to the Council that no further action be taken on the Notice of Motion.

11 Outsourcing and Devon County Council Contracts (Minute 124 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226 (a)) of 12 September 2018 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 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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that the Council be asked to note the continued commitment and investment in joint arrangements for the commissioning of mental health services for children. The Council will continue to use its influence as a key partner in strategic and commissioning arrangements to further improve mental health services for children.

12 Badger Culling and County Council Property (Minute 125 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(b)) of 12 September 2018 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

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that Council be advised that Cabinet notes the Notice of Motion but understands that the Government are continuing to widen the scope for culling zones across the country (as currently the most likely effective solution), and that there are continuing trial vaccinations taking place. The Council are not able to prevent County Farm tenant's from participating in a licenced and lawful cull.

13 Dorset and East Devon National Parks (Minute 126 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely

This Council 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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved to recommend that the Council:

- (a) welcomes the work of the independent panel in undertaking its review of National Parks and AONBs and, based on the significance and extent of these nationally protected landscapes in Devon, invites it to visit Devon and draw on the experience of this Authority and others involved in the management of these areas; and*
- (b) defers any expression of support for the establishment of a Dorset and East Devon National Park unless or until the overriding benefit of this approach to Devon's wider interests is clearly demonstrated.*

14 Road Repairs and Skanska Contract (Minute 127 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hook and referred thereto in accordance with Standing Order 8(2), namely

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

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at

that meeting the Cabinet subsequently resolved:

that Council be advised that a Scrutiny Task Group has been established by the Corporate Infrastructure & Regulatory Services Scrutiny Committee, and that the outcomes from that review are considered by Cabinet when they are available.

15 Community Hospital Buildings (Minute 128 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wright and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that Council be asked to note that this is a matter for the NHS but this Council will work in partnership to influence decision making appropriate to individual circumstances, including population need and the quality of building.

16 Universal Credit (Minute 129 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(f)) 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;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

- (a) that the Council supports the overall aims of Universal Credit as described in the briefing note circulated to the Cabinet (CSO/18/25);*
- (b) that the Council recognise that Universal Credit is a very complex programme and that the Department of Work & Pensions is working to address the problems highlighted in the National Audit Office's report; and*
- (c) that the Council continues to support the DWP, JobCentrePlus, Devon's District Councils, Devon Citizens Advice and many other organisations in providing advice and support to claimants as Universal Credit is rolled out in Devon.*

17 Environmental Protection (Minute 130 of 19th July 2018)

To receive and consider the recommendations of the Cabinet (Minute 226(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wright and referred thereto in accordance with Standing Order 8(2), namely;

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 as 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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/18/25 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

that the Cabinet recommends that Council endorse the spirit of the Notice of Motion and notes that appropriate action is already underway to promote the adoption by Government of strong, new environmental policies and enforcement following Brexit, plus new approaches to improving this Authority's own environmental performance in line with the 25 Year Environment Plan.

18 Devon and Cornwall Police and Dorset Police Merger

Councillor Atkinson to move:

Since 2015, Devon & Cornwall Police and Dorset Police (DC&D) have been working together through a 'Strategic Alliance'. Operational police departments such as Operations, Roads Policing and Prevention as well as 17 other business areas are already operating across the three counties with a further 11 departments currently going through changes which will see them aligned.

The Chief Constables of DC&D Police recently announced their intention to explore a voluntary merger of the two forces. There are no recent examples of successful voluntary mergers of police forces.

Work is now underway to develop a business case for the merger for submission to the Home Office in October 2018, with a decision expected in January 2019.

- The Police and Crime Commissioner (PCC) commenced a public engagement programme across the three counties in August which ended on 28th August, the full business case was not to be shared with stakeholders or the PCP before the end of this consultation.*
- It is understood that at a PCP meeting on 5th October some of the business case may be shared with the PCP before its submission to the Home Office.*
- Devon County Council (DCC) had not formally been consulted and this has not been discussed at Cabinet or Scrutiny Committee*

The proposed merger will impact funding and on Council Tax across Devon. A much higher proportion of Devon and Cornwall's total funding (61.5%) comes from government. Only 53% of Dorset's funding comes from government and a higher proportion comes from the police precept element.

Overall, government funding is more per head for Devon and Cornwall (£103) than Dorset (£85). This would fall to £97.6 per head for a combined force.

Having received minimal information regarding the financial impact or benefits of the potential merger, it is difficult to know whether current levels of funding, alongside the substantial reserves held by both forces, would prove sufficient to underwrite any additional costs arising from the merger of the force areas. This is particularly relevant in attempting to understand how the additional 430 police officers or staff would be funded as a result of the merger. At the moment, tax payers in Dorset in an average Band D property pay around £18 a year more for their policing than householders in Devon and Cornwall.

Legally, the levels of police precept for both areas must be harmonised for the merger to take place. Will Dorset rates be harmonised down to the Devon and Cornwall level? This seems to have been ruled out. Another proposal is that the rate for Devon and Cornwall will be increased to the Dorset level to fund extra police officers. The estimated increase would mean an extra payment of £1-3 per month (£18 per year) for average Band D residents in Devon and Cornwall.

This motion proposes that

- Council writes to the PCC to request that the full business case is sent to DCC for its comments before any proposal is submitted to the Home Secretary*
- that the Council discusses at Cabinet and Scrutiny the merger proposals and writes to the Home secretary with its views on the costs and benefits of this merger and requests this is taken into account before any final decision is made.*

19 Children's Bed Poverty

Councillor Hannaford to move:

More children are living in poverty than at any other time in the past ten years, with 4.1 million children across the UK living below the headline.

Shockingly its thought that there are over 400,000 children in the UK who do not have a bed of their own.

Without somewhere to rest their head, bedtime routines become difficult, stress levels rise, and getting a good night's sleep is often near to impossible.

Furthermore, educational performance deteriorates and safeguarding risks rise.

Over the last five years, Dreams Beds has provided Buttle UK with nearly 10,000 children's beds to donate to those families in desperate need — more than ever before.

With the number of beds that they supplied during those five years rising by 77 percent.

We applaud the work of this charity, and businesses, social enterprises, church groups, and others across the country in trying to tackle this national scandal.

As corporate parents with a duty of care to all of Devon's children, we resolve that the council formally writes to The Rt Hon. James Brokenshire MP, the Secretary of State for Housing, Communities and Local Government, and our local members of Parliament, to highlight this issue, and call for serious consideration to be given for a national grants scheme, that allows those in need to apply for help and assistance, to put an end children's bed poverty.

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. The name of the person asking the question will be recorded in the minutes.

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. The name of the person making the representation will be recorded in the minutes.

For further details please contact Karen Strahan on 01392 382264 or look at our [website](#)

Webcasting, Recording or Reporting of Meetings and Proceedings

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

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

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

Emergencies

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

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Induction loop system available

Council Chamber Seating

JULY 2018

