

*County Council
Thursday, 4th October, 2018*

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

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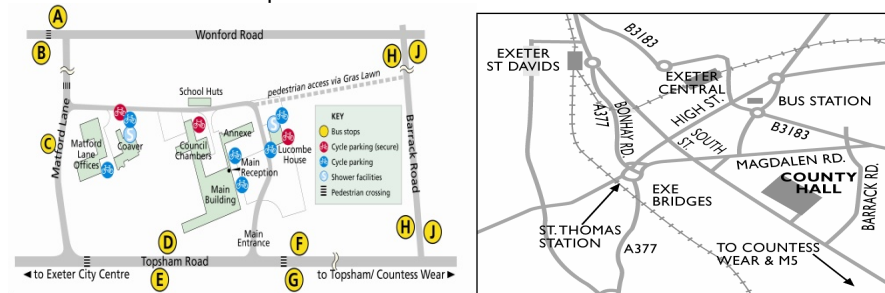
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NB   Denotes bus stops

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First Aid

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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

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, appearing to read "Phil Dorrey".

Chief Executive

[Prayers will be offered 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 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 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.

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 to 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.

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Mobile Phones

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

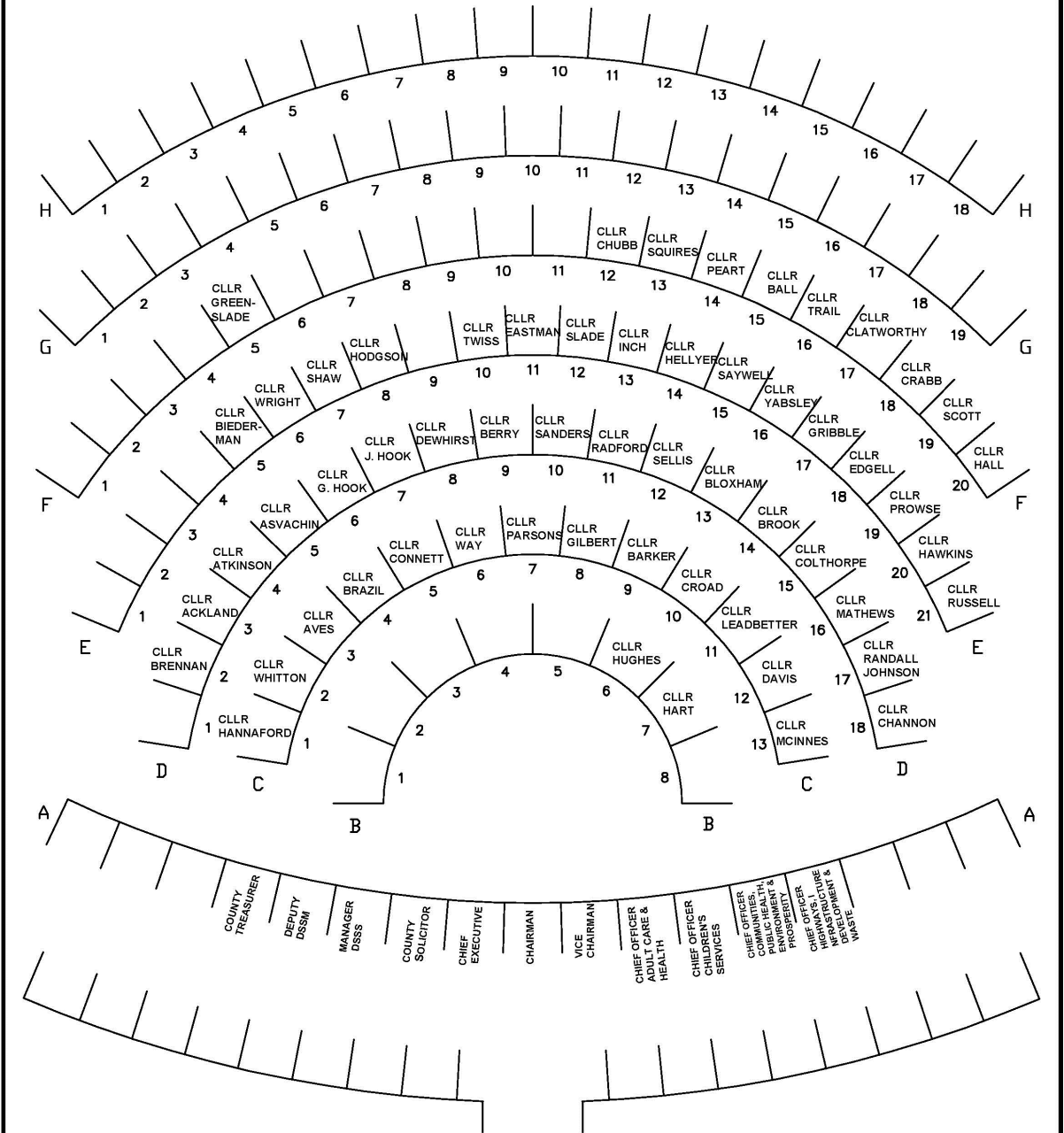
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Induction loop system available

Council Chamber Seating

JULY 2018



COUNCIL

19 July 2018

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, K Ball, S Barker, F Biederman, R Bloxham, J Brazil, E Brennan, J Hook, J Brook, C Channon, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, A Dewhirst, R Edgell, R Gilbert, B Greenslade, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, R Radford, 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 and J Yabsley.

Apologies:-

Councillors Y Atkinson, S Aves, J Berry, I Chubb, P Crabb, A Eastman, G Gribble and C Wright

110 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 24 May 2018 be signed as a correct record.

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

111 Announcements

The Chair of the Council reported the recent death of former Councillor and Alderman Mervyn Lane who served the Council between 1982 and 2001, representing the Bideford ward.

Also, that the Devon, Somerset and Torbay Trading Standards Service had been nationally recognised by Government as the best Service of its kind in the UK for its regulatory support of local businesses. The Service was awarded the Regulatory Excellence Business Support Award by the Department for Business, Energy & Industrial Strategy at an event in London on Wednesday 20 June 2018.

The Chair also paid tribute to those staff involved in the Council being named the winner of the Best Overall Report at the PATROL PARC Awards (Parking Annual Report Awards by Councils). The honour had been received at PATROL's annual awards ceremony at the Houses of Parliament on the 10 July 2018 and the trophy was made available for Members of the Council to view.

112 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

113 Public Participation: Petitions, Questions and Representations

There was no petition received from a member of the public.

There was no question from a member of the public.

There were no oral representations by any member of the public.

Agenda Item 2

2
COUNCIL
19/07/18

114 **Petitions from Members of the Council**

The Leader was presented by Councillor Saywell, on behalf of Torrington Town Council with a petition containing 246 signatures seeking safety improvements to New Street, Torrington, including a new pedestrian crossing containing 246 signatures.

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MId=2487&Ver=4&info=1>)

115 **Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the relevant Cabinet Members provided written responses to three questions submitted by Members of the Council relating to the maintenance and upkeep of cycle paths, in light of the growing network, privately funded social care residents purchasing seats on DCC transport buses and the new rail station at Marsh Barton.

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

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

116 **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 circulated a Report as requested by Councillor Greenslade on the Devolution agenda and actions taken by the Council to lobby for the retention of the Royal Marines Bases in Devon.

The Leader highlighted the work of the Heart of the South West Joint Committee, including the Government promise to publish a 'Devolution Framework' which would guide the 'deals' non-metropolitan and non-mayoral areas could expect. Also, that the Committee had agreed its Productivity Strategy and was working towards a Delivery Plan. Other work included negotiation with civil servants in support of the strategy, a Housing Summit and engagement with Housing Ministers to explore a 'housing deal'.

In response to the Royal Marine Bases, the Leader commented that with the Defence Select Committee review not being completed, it was premature to make representations at this stage.

He further commented on the current and future bids into the Business Rates Retention pilot as requested by Councillor Hannaford highlighting that it was four months into the business rate pilot, therefore too early for a detailed analysis. A number of bids had been submitted and would be assessed in due course under a spend to save criteria.

(b) Children's Services and Schools

The Cabinet Member circulated a Report, in response to Councillor Hannaford and in light of the recent public health report that focused on Child Poverty, reporting on school holiday hunger in Devon, highlighting that Devon had a lower number of children eligible for and

claiming free school meals than that seen nationally, or within the South West, although the Public Health team had collated information on where families could get free or low cost food onto a searchable webpage.

He further reported on the attendance and educational progress of looked after children in Devon, as asked by Councillor Connett, and outlined that validated data outlining attendance at school and educational progress of children in care for the academic year 2017/18 would be available during the Autumn term 2018, but the Cabinet Member shared highlights from the 2016/17 Virtual School Annual Report (DfE published data as at 27 April 2018) available to view at: <https://new.devon.gov.uk/educationandfamilies/young-people/children-in-care/education-of-children-in-care/information-for-schools-and-settings>

The Cabinet Member also circulated information on waiting times for Children's & Adolescent Mental Health Services, as requested by Councillor Connett, which showed 92% of children and young people should receive their first definitive treatment within 18 weeks of referral and the data from May 2018 showed 64% of children and young people had been seen within 18 weeks of referral. There was an agreed action plan between NHS commissioners and providers, progress against which was reviewed on a weekly basis.

A further Report, as requested by Councillor Atkinson, was circulated on the 'F40 School Funding Briefing Paper' and the position in relation to pupil numbers and teachers in rural Devon schools and Exeter schools and also the funding position per pupil. In summary, the Cabinet Member reported that funding per pupil within Devon remained significantly below the national average and was failing to keep pace with rising costs and each year was harder to maintain good standards of education as well as the ability to recruit and retain teachers within the county. The Cabinet Member stressed that the County continued to campaign for fairer funding.

(c) Highways Management

Councillor Hughes circulated a reported, as requested by Councillor Connett, on the Council's plans to adopt 20mph zones around Devon's schools, the priority of the Council's traffic enforcement team place in relation to safety around schools and the progress of the Council's highways contractor in catching up with previously delayed work.

The Cabinet Member highlighted there were no current proposals to adopt any new approach to 20 mph at schools, although Officers were reviewing the Council's approach to speed limits via a Scrutiny Task Group. Also, that complaints and intelligence on parking issues were reviewed and prioritised by the parking enforcement team and the locations included in the programme of attendances at schools.

In relation to the second point, the Cabinet Member reported that the challenge of mobilisation in the first year of the new Term Maintenance Contract, the impact of the two snow events, prioritising revenue spend over capital and conflicting pressures on design resources had impacted, but as of 6th July, two thirds of the deferred schemes had been completed and the Council expected the list to be substantially completed by late summer.

He further responded to questions on the dragon pot holing machine, roadworks on the A380, disabled parking bays and delays with implementation, statutory undertakers working on the highway and also undertook to circulate a briefing to Members on the performance of other highways contractors.

(d) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report, as requested by Councillor Connett, on the progress in tackling childhood obesity in Devon. The Report outlined that obesity was a significant national health concern and the prevalence of obesity and participation in children at reception and year 6 (from the National Childhood Measurement Programme (NCMP)). The data showed that rates of obesity in Devon were relatively stable and remained significantly

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lower compared to the England average, although there was variation within the Districts. The Report referred to the Government's childhood obesity strategy as well as the various schemes and promotions in Devon, for example the conception to four years old strategic Infant feeding action plan, the Local Maternity Delivery Board, Sugar Smart initiative and the Healthy Weight Declaration.

117 Minutes

(Councillor Greenslade declared a Disclosable Pecuniary Interest in this matter by virtue of being the Subject Member in Minute 37 of the Standards minutes and withdrew from the meeting during its consideration).

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

Audit Committee	-	16 May 2018
Investment & Pension Fund Committee	-	15 June 2018
Standards Committee	-	2 July 2018
Procedures Committee	-	4 July 2018
Public Rights of Way Committee	-	5 July 2018
Children's Scrutiny	-	4 June 2018
Health & Adult Care Scrutiny	-	7 June 2018
Corporate Infrastructure & Regulatory Services Scrutiny	-	12 June 2018

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

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

Pursuant to County Council Minute 103 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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.

and having had regard to the advice of the Cabinet set out in Minute 193(a) of June 2018:

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 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.

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.

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

Pursuant to County Council Minute 104 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 193(b) of 13 June 2018 :

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet’s advice be accepted 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.

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.

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

Pursuant to County Council Minute 105 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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

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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.P.s to support cross party working to solve the crisis in social care health and care workforce and funding.

and having had regard to the advice of the Cabinet set out in Minute 193(c) of 13 June 2018:

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 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.

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.

121 **Grammar Schools and Additional Funding (Minute 106 - 24 May 2018)**

Pursuant to County Council Minute 106 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

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.

and having had regard to the advice of the Cabinet set out in Minute 193(d) of 13 June 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that no further action be taken on the Notice of Motion due to the fact that Devon only has one Grammar School and the measurable effect of this announcement on the school population of Devon is negligible.

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.

(In accordance with Standing Order 32(4), Councillor Greenslade asked that his vote against the Motion be recorded)

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

Pursuant to County Council Minute 108 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Brazil that:

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.

and having had regard to the advice of the Cabinet set out in Minute 193(e) of 13 June 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that no further action be taken on the Notice of Motion as now would not be an appropriate time to take a Brexit position on the opinions of any of our MP's.

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

Councillor Shaw then **MOVED** and Councillor Connett **SECONDED** that

The words 'be advised' be replaced by 'resolves'.

After the words 'that now would not be an appropriate time', the remainder of the sentence be replaced with the following words;

'for Devon's MPs to abandon the fight for membership of a Customs Union with the European Union.'

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

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

(In accordance with Standing Order 32(4), Councillor Greenslade asked that his vote against the Motion be recorded).

123

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

Pursuant to County Council Minute 109 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Brennan that:

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.

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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.'

and having had regard to the advice of the Cabinet set out in Minute 193(f) of 13 June 2018:

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

The Leader also placed on record his thanks to Councillor Brennan for her work with stagecoach that had resulted in a much improved offer in terms of child fares.

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.

124 **Outsourcing and Devon County Council Contracts**

Councillor Hannaford **MOVED** and Councillor Asvachin **SECONDED** (the Motion being in the name of Councillor Atkinson);

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.

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

125 **Badger Culling and DCC Property**

Councillor Asvachin **MOVED** and Councillor Whitton **SECONDED** (the Motion being in the name of Councillor Atkinson);

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.

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

126 **Dorset & East Devon National Park**

Councillor Shaw **MOVED** and Councillor Biederman **SECONDED**;

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.

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

127 **Road Repairs and Skanska Contract**

Councillor G Hook **MOVED** and Councillor J Hook **SECONDED**;

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.

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

128 **Community Hospital Buildings**

Councillor Shaw **MOVED** and Councillor Biederman **SECONDED** (the Motion in the name of Councillor Wright);

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.*

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

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129 Universal Credit

Councillor Hannaford **MOVED** and Councillor Whitton **SECONDED** (the Motion being in the name of Councillor Atkinson);

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.

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

130 Environmental Protection

Councillor Shaw **MOVED** and Councillor Hook **SECONDED** (the Motion in the name of Councillor Wright);

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.

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 Reverend Anne Thorne.

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 3.47 pm

DEVELOPMENT MANAGEMENT COMMITTEE

25 July 2018

Present: -

County Councillors

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

Member attending in accordance with Standing Order 25 (2): -

Councillors P Twiss

Apologies: -

Councillors A Connett and R Hosking

* 53

Minutes

RESOLVED that the Minutes held on 21 March 2018 be signed as a correct record.

* 54

Matter of Urgency: Landfill Site, Heathfield, Newton Abbot

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

The Chairman had decided that the Committee should consider, as a matter of urgency, arrangements for a site visit by the Committee. The application was due to be considered at the next meeting on 19 September 2018.

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

RESOLVED that a Site Visit by the Committee be arranged for 19 September 2018 (9.30 am to be confirmed).

* 55

County Matter: Waste: Mid Devon District: Variation of Condition 6 of permissions DCC/3725/2014 and DCC/3850/2016 to remove the restriction on the importation of poultry products by road at land adjacent to the existing abattoir, Lloyd Maunder Road, Willand, Cullompton

(Mr C Hawkins attended, on behalf of the applicant, under the Council's Public Participation Scheme and spoke to this item in support of the application).

The Committee considered the Report of the Chief Planner (PTE/18/34) on a variation of a condition attached to the permissions relating to the construction of an anaerobic digestion [AD] facility at land adjacent to the Two Sisters poultry abattoir, Willand.

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

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

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

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DEVELOPMENT MANAGEMENT COMMITTEE
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RESOLVED that the application to vary condition 6 of planning permission DCC/3725/2014 be granted subject to:

(a) an additional amendment being made to Condition 13 as indicated in Appendix I to Report PTE/18/34 ensure all odorous feedstock delivered to the site and digestive exported from the site is transported in sealed containers; and

(b) a deed of variation to the original legal agreement on lorry routeing to apply to the new consent.

* **56** **County Matter: Waste: Teignbridge District: The infilling of agricultural land with inert material, Welwyn Farm, Six Mile Hill, Tedburn St Mary**

The Committee considered the Report of the Chief Planner (PTE/18/35) on an application for the infilling of agricultural land with inert waste subsoil near Tedburn St Mary, which included a hard standing for parking/turning, a temporary track and the fill working area.

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

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

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix I to Report PTE/18/35 (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local County Councillor).

* **57** **County Council Development: East Devon District: Construction of a new single storey foundation stage unit building with associated external works, Honiton County Primary School, Clapper Lane, Honiton**

(Mr D Hayler attended under the Council's Public Participation Scheme and spoke to this item expressing concerns about the impact on the local highways network as a result of any additional traffic, and Mr N Pateman, on behalf of the applicant, attended under the Scheme and spoke in support of the application)

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

The Committee considered the Report of the Chief Planner (PTE/18/36) on an application to demolish an existing temporary single storey private nursery building and replace this with a permanent single storey building to provide for an expanded foundation stage at Honiton County Primary School. The Chief Planner reported that the new National Planning Policy Framework (NPPF), issued the previous day, did not affect the material considerations in respect of this application.

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

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

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

RESOLVED

(a) that planning permission be granted subject to the conditions set out in Appendix I to Report PTE/18/36 (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local County Councillor); and

(b) that prior to the issue of the planning permission confirmation of the resolution to grant permission be reported to the National Planning Casework Unit to afford the Secretary of State for Housing, Communities and Local Government the opportunity to call-in the application for his own determination as required by the Town and Country Planning (Consultation) (England) Direction 2009.

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

The Committee received the report of the Chief Planner (PTE/18/37) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.12 pm

AUDIT COMMITTEE

27 July 2018

Present:-

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

Apologies: -

Councillors J Berry

* 32

Minutes

RESOLVED that the Minutes of the meeting held on 16 May 2018 be signed as a correct record.

* 33

Items Requiring Urgent Attention

The Members of the Committee considered the issue of a Disclosure and Barring Service (DBS) check for all Members.

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

RESOLVED that the issue of a DBS check for all Members be considered by the Procedures Committee.

* 34

Audit Findings Reports 2017/18

(Councillor Mathews declared a personal interest in this item by virtue of being in receipt of a widowers pension from the Devon Pension Fund).

i) The Committee considered the Report of Grant Thornton (CT/18/59) for Devon County Council for 2017/18 setting out the findings arising from the audit of the County Council's financial statements and the work undertaken in relation to the value for money conclusion.

Grant Thornton delivered a presentation to Members that included an outline of materiality, audit risks, accounting policies, and strategic financial planning.

The External Auditor was satisfied with the financial arrangements that the Council had in place and anticipated issuing an unqualified audit opinion.

The Committee raised concerns as to whether Members had been kept up to date on the Council's Transformational Change Programme.

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

RESOLVED

(a) that the Report and findings be noted;

(b) that an update on the Transformational Change Programme be provided at the next meeting of the Audit Committee.

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27/07/18

ii) The Committee noted the Report of Grant Thornton (CT/18/60) outlining the findings arising from the audit of the Pension Fund for 2017/18.

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

RESOLVED that the Report and findings be noted.

* 35 Statement of Accounts & Annual Governance Statement 2017/18

The Committee considered the Report of the County Treasurer (CT/18/58) together with the Statement of Accounts.

The Report underlined key messages from the Statements of Accounts 2017/18 and highlighted;

- that the Council's liabilities are £226 million greater than its assets;
- that no new borrowing has taken place this year with capital expenditure due to be met from borrowing being financed from internal resources;
- that earmarked reserves (excluding carry forwards and schools) have increased by £14.6 million.

The Committee noted that the audit is still not complete and that the auditors may request further small changes to the Statement of Accounts.

Members recognised the hard work that was required to produce the Statement of Accounts and thanked officers for their efforts.

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

RESOLVED that the Statement of Accounts for 2017/18 be approved.

* 36 Top 10 Risk - Scrutiny Chairs Spotlight Review

The Committee considered the Report of the Scrutiny Chairs (CSO/18/26) on the Top 10 Risk.

The Members of the Committee noted that a masterclass for all Members on the Top 10 Risk had been recommended to take place before the next Audit Committee. An electronic learning pack could be made available to the Members before the masterclass.

During discussion, it was highlighted that although the Business Rates Retention Scheme will not automatically renew in 2019/20, the Council can bid for new pilots.

It was **MOVED** by Councillor Brazil, **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 3.10 pm

APPEALS COMMITTEE

3 September 2018

Present:-

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

* **111** **Minutes**

RESOLVED that the minutes of the meeting held on 14 May 2018 be signed as a correct record.

* **112** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **113** **Budget Monitoring**

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

The Committee received the Report of the Head of Planning, Transportation & Environment on the financial impact of the Committee's decisions for the current financial year 2018/19.

* **114** **Deferred Appeals**

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

The Committee noted the following appeal had been determined under urgency procedures following a Members' route walk arising from the last meeting:

Appeal Refused: ST 108 Hatherleigh – Hatherleigh Primary (Route available).

* **115** **School Transport Appeals**

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

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

ST 110	Moretonhampstead – S Dartmoor CC	Appellant
ST 112	Chulmleigh – Chulmleigh CC	Appellant and Councillor Edgell
ST 114	Torrington – Gt Torrington Bluecoat	-
ST 111	Totnes – Torquay Boys Grammar	Appellant and Councillor Hodgson

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APPEALS COMMITTEE
3/09/18

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

- | | |
|--------|-------------------------------------|
| ST 110 | Moretonhampstead – S Dartmoor CC |
| ST 112 | Chulmleigh – Chulmleigh CC |
| ST 114 | Torrington – Gt Torrington Bluecoat |
| ST 111 | Totnes – Torquay Boys Grammar. |

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

The Meeting started at 10.45 am and finished at 1.35 pm

PROCEDURES COMMITTEE

10 September 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, N Way and C Wright

Apologies:-

Councillors A Connett and R Hannaford

Members attending in accordance with Standing Order 25

Councillors I Hall and P Twiss

* 40

Minutes

RESOLVED that the minutes of the meeting held on 4 July 2018 be signed as a correct record.

* 41

Announcements

The Chair welcomed Mr Hipkin 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.

* 42

Items requiring urgent attention

There was no item raised as a matter of urgency.

43

Scrutiny Call In - Convening of Meeting

The Committee considered the Notice of Motion (outlined below) which, in accordance with Standing Order 6(6), was referred from the Council to this Committee for consideration.

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.

Members also considered the wording of the Constitution at 17.4, as outlined below

Within that period, the Chair (or in his/her absence the Vice-Chair), any 3 members of the relevant Scrutiny Committee or any 5 members of the Council whether or not they are members of the relevant Scrutiny Committee may call in such a decision by requesting the Chief Executive to convene a meeting of that Committee to consider it. The Chief Executive will convene such a meeting within 5 working days of that request and will inform the decision-taker of the call-in.

The Committee were advised that this matter had related to a former call-in relating to Health and Care Integration in Devon. The Health and Adult Care Scrutiny Committee was, at its meeting in March 2018, was already scheduled to receive an update paper on this. Due to the

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PROCEDURES COMMITTEE
10/09/18

subject matter already being on the agenda, the call-in was added to the agenda as an urgent item.

The Committee commented and reiterated that due process had been followed.

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

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.

44 **DBS Checks for Councillors (Reference from the Audit Committee - Minute *33)**

(Councillor's Hall and Twiss attended and spoke to this item under Standing Order 25(2)).

The Committee noted that at the meeting of the Audit Committee on 27 July 2018 (Minute *33), in considering the matter of a Disclosure and Barring Service (DBS) check for all Members, it was **RESOLVED** that the issue of a DBS check for all Members be considered by the Procedures Committee.

The Procedures Committee was therefore asked to consider the matter and to aid discussion a briefing paper was attached for the information of Members on Eligibility for Disclosure and Barring Service checks for Councillors which outlined that the position of Councillor was not one named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, therefore there was no eligibility for a DBS certificate at a Basic or Enhanced level, solely on the basis of being a Councillor. They would have to be undertaking further activities as prescribed in the legislation. The briefing paper outlined a range of criteria in respect of when such checks should be undertaken and the appropriate legislation that applied.

The Committee noted the current position (previously considered and determined by the Procedures Committee) which was that DBS checks were done on an exception only basis, when required and also after seeking the views of the County Solicitor.

The Council was also aware that Members may have had DBS checks, in another capacity, for example a school governor position.

The Committee discussed their community role and the potential for coming into contact with vulnerable people, when 'incidental contact' became more than that, the public perception that Councillors were vetted and appropriate to hold public office, the reputation of the Council, the current status with accepting DBS checks from other organisations and the subscription process to the DBS update service, the length of time required to undertake a DBS check and also the need for a process for if and when a DBS check revealed a matter requiring consideration and / or action by the Council, notwithstanding Councillors were elected and could not be treated in the same manner as employees.

It was **MOVED** by Councillor Biederman **SECONDED** by Councillor Wright and

RESOLVED

(a) that the Council adopt a policy of conducting a Basic DBS check for all Members of the Council, notwithstanding a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check in relation to their contact with vulnerable adults or children or both or, is a member of a Committee which discharges a relevant function;

(b) that representations be made to Government regarding the current criteria which excludes the position of Councillor as named in the Rehabilitation of Offenders Act 1974 (Exceptions)

Order 1975 (meaning there was currently no eligibility in law for requiring a DBS certificate, solely on the basis of being a Councillor); and

(c) that Officers be asked to establish a Risk Assessment process that can be used to assess and record the risks of a Councillor in their role where a DBS certificate shows relevant convictions or other relevant information, and that these proposals be brought to the Procedures Committee in November 2018.

* 45

Calendar of Meetings 2019/2020

The Committee considered the draft calendar of meetings for 2019/20 prepared in line with the pattern of previous years, known determinants and relevant factors.

Members discussed the August recess and whether this could be utilised for meetings and the use of Skype for various Council and Member meetings.

The Committee also noted the changes to Council and Cabinet budget dates.

RESOLVED

(a) that the draft Calendar for 2019/2020 be approved for publication; and

(b) that Officers be asked to explore the opportunities afforded by Skype and newer technologies for Member meetings and report back to the Committee in due course.

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

The Meeting started at 10.30 am and finished at 11.45 am

INVESTMENT AND PENSION FUND COMMITTEE

14 September 2018

Present:-

Devon County Council

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

Unitary and District Councils

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

Other Employer

D Healy

Unison and Retired Members: Non-Voting Observers

C Lomax and J Rimron

Apologies: -

Councillor A Connett, Councillor P Edwards and R Franceschini

* 64

Minutes

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

* 65

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 66

Devon Pension Board

The Committee received the minutes of the Board held on 23 April 2018 and noted that issues raised relating to the risk register, investment strategy and training plan had been addressed in reports on the agenda at this and the previous meeting.

* 67

Brunel Oversight Board

The Committee received the Minutes of the Brunel Oversight Board meeting held on 18 July 2018 and noted that the Business Plan, staffing position and resourcing remained under review.

* 68

Pension Fund Annual Report and Accounts 2017/18

The Committee considered the Report of the County Treasurer (CT/18/64) on the Pension Fund Annual Report and Accounts for 2017/18 which contained the statement of accounts together with other information about the Fund's performance during 2017/18. The Statement of Accounts had been audited and approved by the Council's External Auditors and a copy of the Audit Findings Report was also attached to the Report.

A representative of Grant Thornton, the External Auditors attended the meeting at the Committee's invitation and answered Members' questions relating to the positive findings, the good standards achieved and reflected in the Accounts with reliable, accurate and timely information.

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INVESTMENT AND PENSION FUND COMMITTEE 14/09/18

Members commended the Officers from Peninsula Pensions and the Council's Investment Team for their work and the positive audit findings.

It was **MOVED** by Councillor Atkinson, **SECONDED** by Councillor Parker-Delaz-Ajete and **RESOLVED** that the Pension Fund Annual Report and Accounts for 2017/18 be approved.

* 69 **Pension Fund Risk Register**

The Committee considered the Report of the County Treasurer (CT/18/66) on the Risk Register (attached at Appendix 1 to the Report) which highlighted the key risks in relation to the Pension Fund, the current processes in place to mitigate risk, and the planned improvements to provide further assurance. It incorporated the risk register of both the Investment Team and Peninsula Pensions.

Members referred to the uncertainties relating to 'Brexit' reflected in the Register. Members also noted recent serious data security breaches of major companies and asked that a further review should be undertaken by Officers in relation to risks associated by any IT breach of the Peninsula Pensions data.

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

RESOLVED that, subject to a review of IT security in relation to Peninsula Pensions, the Pension Fund Risk Register and additional action proposed be approved.

* 70 **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/18/65) on the Fund value and asset allocation, performance against the benchmark, budget forecast monitoring and cash management. The Committee also received the Local Authority Pension Fund Forum (of which the Devon Fund was a Member) Quarterly Engagement Report detailing its engagement activity with companies.

The Fund value at 30 June 2018 stood at £4,239.6 million, an increase of around £153 million over the quarter.

Members referred to relative global equity investment and weightings and the approach to infrastructure and local venture investments, which would be reviewed by Brunel.

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

RESOLVED

(a) that the Investment Management Report be noted; and

(b) that compliance with the 2018/19 Treasury Management Strategy be noted.

* 71 **Pension Board and Investment and Pension Fund Membership**

The Committee considered the Report of the County Treasurer on the Pension Board Membership and Employer and Fund Member representatives and the appointment process regarding vacancies/replacements to be carried out early in the new year.

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

RESOLVED that the appointment process to fill places on the Pension Board and the place for the Other Employer representative on the Investment and Pension Fund Committee from May 2019 be noted.

* **72** **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) Delt - Print Services, Plymouth City Council transferred their print and document service to DELT. Two scheme members had transferred on 1 July 2018; and

(b) Delt - Payroll Services, Plymouth City Council transferred their payroll service to DELT on 1 May 2018, 21 scheme members had been involved in this transfer.

* **73** **Training and Engagement Events**

In accordance with the Annual Training Plan approved at the last meeting the Committee noted the following training and engagement events for Committee and Pension Board members:

(a) Devon Pension Fund Training Day – Thursday 18th October, 10am to 4pm at the Buckerell Lodge Hotel, Exeter; and

(b) Brunel Pension Partnership Engagement Event – Wednesday 7th November 10am to 2pm at Sandy Park, Exeter.

* **74** **Dates of Future Meetings**

Friday, 16 November 2018 and Friday 22 February 2019 at 10.30am

* **75** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **76** **Investment Mandate Review**

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

The Committee noted the Report of the County Treasurer (CT/18/68) on the performance of the emerging markets mandate, and the action that had been taken since the last meeting of the Committee by the County Treasurer in consultation with the Chair.

* **77** **Brunel Pension Partnership - Reserved Matters and Transition of Assets**

(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/18/69) on current progress in the establishment of Brunel's investment portfolios, including the reserved matters

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INVESTMENT AND PENSION FUND COMMITTEE
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requests issued, progress on private markets considering the position with Aviva's mandate, and the transition of the Fund's passive equity assets.

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

RESOLVED that the reserved matters requests determined over the last three months, progress on the transition of assets to the Brunel Pension Partnership Ltd, and the novation of the current property mandate contract from Aviva Investors to La Salle Investment be noted.

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

The Meeting started at 10.30 am and finished at 11.52 am

DEVELOPMENT MANAGEMENT COMMITTEE

19 September 2018

Present:-

County Councillors

Councillors J Brook (Chair), Y Atkinson, S Aves, R Bloxham, J Hook, G Gribble, I Hall, L Hellyer, J Hodgson, R Hosking, T Inch, P Sanders, C Slade and J Yabsley

Member attending in accordance with Standing Order 25:-

Councillor A Davis

Apologies:-

Councillor A Connett

* 59

Minutes

RESOLVED that the Minutes of the meeting held on 25 July 2018 be signed as a correct record.

* 60

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 61

County Matter: Waste: Teignbridge District: Variation of conditions 3 and 5 of planning permission 05/3070/04 (integrated waste management facility consisting of dry recyclate and commercial and industrial waste materials recycling facilities, incorporating small vehicle transfer station, enclosed composting facility, fitters' workshop and associated infrastructure together with 3 million cubic metres of additional residual waste disposal capacity and the change of use of Heathfield Farmhouse and existing offices and workshops) relating to the re-opening of the landfill only.
Location: Heathfield Landfill, John Acres Lane, Fosterville, Kingsteignton

(Councillor Gribble declared a Personal Interest in this item by virtue of being a Member of Teignbridge District Council)

Councillor A Davis (for the Waste Disposal Authority, Devon County Council) and Mr C Herbert (on behalf of the applicant) attended under the Council's Public Participation Scheme and spoke to this item in support of the application).

The Committee considered the Report of the Chief Planner (PTE/18/42) on an application for the variation of conditions 3 and 5 of planning permission 05/3070/04 to allow for a further 5 years to utilise the permitted landfill capacity at the site and consequential variation of the phasing and restoration plans.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting. He also reported recent representations from Councillor J Christophers, Councillor R Keeling (both Teignbridge District Council) and a local resident objecting to the application. The Chief Planner also reported and circulated details of proposed amendments

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DEVELOPMENT MANAGEMENT COMMITTEE
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to planning conditions 1 (Temporary Permission); 5 a and b (Hours of Operation) and 9 (Noise); and 12 (Restoration and Aftercare (original conditions 12 and 13 combined)).

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

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

RESOLVED that, subject to the signing of a legal agreement containing a requirement that the heathland areas on land within the planning permission boundary are appropriately managed for a period of ten years, planning permission to vary conditions 3 and 5 of planning permission 05/3070/04 be granted subject to the conditions set out in Appendix I (as amended to incorporate the changes as circulated at the meeting) to the Report with any subsequent non-material changes to the wording of the conditions being agreed in consultation with the Chair and the local County Councillor.

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

The Committee received the report of the Chief Planner (PTE/18/43) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.00 pm

CHILDREN'S SCRUTINY COMMITTEE

17 September 2018

Present:-

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

Apologies:-

Councillors J Brazil and M Squires

Members attending in accordance with Standing Order 25

Councillors J McInnes and C Wright

* 71 Minutes

RESOLVED that the minutes of Children's Scrutiny Committee meeting held on 4 June 2018 be signed as a correct record.

* 72 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 73 Public Participation

The Chair read out a statement to clarify the Council's procedures for public participation at Scrutiny Committee meetings.

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged 5 oral representations made in relation to a matter to be considered by the Committee, namely 'Foster Carer Allowances' (Minute *74 refers);

Mrs L Taylor spoke against the proposals, referencing in particular the varying and at times volatile nature of the role, the effects the cuts would have on Devon children and foster carers and the number of families that would have their allowances cut between £5,000-£15,000 per year.

Mrs L Strange spoke against the proposals, in particular the consultation process and the need to value the skills and expertise of experienced foster carers.

Mrs M Peters spoke against the proposals, highlighting in particular the challenging aspects of the role and the current difficulties already faced in placing some of Devon's challenging children.

Mrs K Page spoke in favour of the proposals, referencing the support and training received and the need to create a fair system for all foster carers.

Mrs S Turner spoke in favour of the proposals, highlighting the disparity in payments to foster carers when caring for a child with the same needs and the necessity to recruit and attract new carers to the role.

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CHILDREN'S SCRUTINY COMMITTEE
17/09/18

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

* 74 **Foster Carer Allowances**

(Councillors G Gribble and T Inch declared a Personal Interest in this matter by virtue of their sister and niece respectively, being a foster carer and withdrew from the meeting during its consideration).

(Councillor C Wright attended in accordance with Standing Order 25 (2) and spoke to this item in relation to protecting allowances for experienced foster carers)

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

The Committee considered the Report of the Chief Officer for Children's Services (CS/18/25) outlining proposals for changes to the foster carers fees and allowances scheme. The current fees and allowances system had been adapted and developed over many years and as a result the unintended consequence had been increased complexity, with some confusion and inequities.

Currently, there were five different payment schemes; three tier progression schemes; and four different age bands, which had created inequalities and a complex system of administration. It also did not compare favourably with the local independent sector where there was generally one fee.

Foster carers were not always receiving equal payments for children presenting similar needs. For example, to care for the same 16-year-old child:

- a tier 2 carer would receive £397 in fees and allowances,
- a DYPAS tier 3 carer would receive £471 in fees and allowances, and
- a tier 3 carer would receive £536 in fees and allowances.

The Council valued its foster carers and the contribution they made to the lives of many children and young people, and therefore wanted to create a fair and equitable system, a more transparent fee structure, and to be in a stronger position to recruit more foster carers in the future. The new system aimed to strengthen the focus on children and their needs, matching payments to the complexity of need.

The new model, as set out within the Report, comprised of a weekly allowance, an allocation for engagement with training and support groups, and allocations based on the needs of the child.

The Committee received an Addendum Report outlining the views and feedback of the consultation events held on 11 and 12 September 2018, which addressed any new or significantly different issues that may have emerged. Following this consultation, the recommendation regarding protection of fees to foster carers was extended to include all foster carers experiencing a reduction in allowances for a period of two years or until their current placement ended, whichever came first.

Members discussion points with officers included:

- how assessments for children would be carried out and monitored;
- different tiers of foster carers looking after children with complex needs, not just tier 3 carers;
- the impact on the lives created by foster carers, their homes and employment, should the cuts be implemented;
- the potential to apply the proposed changes to new foster carers only;

- ensuring that children were not labelled under the assessment process;
- payments for Christmas and birthdays to be paid separately as including them as part of the weekly allowance could affect short term placements;
- transport and childminding requirements for those children with disabilities; and
- an aim to make the new system fair, transparent and competitive.

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

RESOLVED that the Committee endorse the principles behind the changes to the Foster Carer fees and allowances structure, as set out in the Report and Addendum Report (CS/18/25), but that Cabinet be strongly urged to:

- (i) guarantee income protection for carers until all current foster placements come to an end;
- (ii) pay birthday, holiday and festival allowances on or near the relevant date, rather than as part of the weekly allowance; and
- (iii) ensure that the fostering service look favourably upon requests for additional support, in circumstances where there are childminding and/or transportation needs, where this is consistent with the child's care plan.

* 75

DYS Space Ltd

The Committee received a Report from the Head of Communities and the CEO of DYS Space Ltd providing a progress update at the halfway point of the initial core youth service with the Council. As well as providing the core contract services, DYS Space had developed strong partnerships to help deliver more diverse opportunities for the young people of Devon. Areas of challenge included providing support on the Duke of Edinburgh for young people with protected characteristics and supporting an increasing number of young people who felt isolated and lonely. Young people had also been involved in decision making relating to areas that affected them across the whole service, including spending allocation. Members were encouraged to attend their local youth centre.

* 76

Care Leaver's Peer Review

The Committee considered a Report of the Chief Officer for Children's Services (CS/18/26) which provided a summary of a peer review that took place during June 2018, carried out by Cornwall County Council who had been judged as 'Good' by Ofsted for their care leaving service.

Devon's Service to care leavers had been previously deemed inadequate by Ofsted when last inspected in 2015, and the Review sought to evaluate progress since the last Ofsted inspection against key lines of enquiry.

The Peer Review team concluded that considerable progress had been made since the last inspection of Devon Children's Services by Ofsted in 2015. This finding was supported by the data evidence, feedback from care leavers themselves, and from other activities undertaken by the Peer Review team.

A number of areas were identified as having been significantly improved, most notably the percentage of Care Leavers the Council was in touch with had increased from 45% (in 2015) to at least 84% in June 2018.

Concerns were raised over ensuring there was enough suitable accommodation available for Care Leavers and the need to engage with district planning authorities to ensure there was sufficient provision across the County.

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CHILDREN'S SCRUTINY COMMITTEE
17/09/18

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

RESOLVED that progress be reported to the Corporate Parenting Board and that a report on the education progress of Care Leavers be brought to a future meeting of the Children's Scrutiny Committee.

* **77** **Performance - Social Care**

The Committee considered a Report of the Head of Children's Social Care (CS/18/27) on the annual census return for Children Looked After and Children in Need to March 2018. The number of children Looked After by the Council increased marginally on the previous year (rising from 682 on 31 March 2017 to 694 on 31 March 2018).

The Report highlighted several areas of concern, including the number of children and young people identified with a substance misuse issue; a reduction in the number of single assessments completed within 45 working days of commencement from 89.5% in the previous year to 77.3% and an increase in the number of Initial Child Protection Conferences.

The Committee also raised concerns over the number of children in need with one or more disability, recording a rise of 34.4% in the year to 1,228 children and represented 29.6% of the overall number of children in need cases open to the service at 31 March 2018. This was being further looked into by the Service.

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

RESOLVED that the Report be noted and an update be provided to the Committee in three months.

* **78** **Performance - Education**

The Committee received the Report of the Head of Education and Learning (CS/18/27) 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 advised that initial results for KS4 exams indicated an improvement in outcomes for Care Leavers, however this would be formally reported to the next Committee meeting when results were finalised.

* **79** **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:

- Self harm and young people, and
- Sex and Relationships Education

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

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

The Meeting started at 2.15 pm and finished at 5.12 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

20 September 2018

Present: -

Councillors S Randall-Johnson (Chair), M Asvachin, P Crabb, P Sanders, A Saywell, R Scott, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Apologies: -

Councillors A Connett, R Peart, S Russell

P Bialyk (Devon Councils)

Members attending in accordance with Standing Order 25(1)

Councillor A Leadbetter

* 73

Minutes

RESOLVED that the Minutes of the Meeting held on 7 June 2018 be signed as a correct record.

* 74

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 75

Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mary Hyland and Maureen Philips on matters to be considered by the Committee, namely Promoting Independence in Devon (Carers) and the Carers Event at Westbank Community Care Services (Minutes *79 and *83 refer). They both expressed concerns regarding the level of support they received (in particular with 'self-funding') from the County Council, the statutory assessment process, the lack of respite available and the isolation they felt.

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

* 76

Health and Wellbeing Board Update

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

The Committee received the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity on activity of the statutory Devon Health and Wellbeing Board over the last year and its forthcoming work. Board meetings had included standing reports in relation to health and wellbeing outcomes, the Better Care Fund and updates from the Clinical Commissioning Groups (CCGs). The meetings typically had contained a theme-based discussion on an issue of local importance, with recent topics covering young people, domestic violence, and homelessness. Other reports between September 2017 and June 2018 had included updates on the Sustainability and Transformation Plan (STP), health protection, CAMHS, health and care integration, and suicide prevention.

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In response to Members' questions and comments the Chief Officer for Communities, Public Health, Environment and Prosperity and Councillor Leadbetter outlined the changes in Membership (as had been recommended by this Scrutiny Committee), the partnership working within the Board involving the Clinical Commissioning Groups, providers and other partners and reported the recent appointment of Dame Suzi Leather as the Chair of the Devon STP, who would be attending the next Board meeting.

* 77

Devon Safeguarding Adults Board: Annual Report 2017/18

Ms S Walker (Independent Chair of the Devon Safeguarding Adults Board attended at the invitation of the Committee).

The Committee received and noted the Report of the Devon Safeguarding Adults Board (DSAB) on their Annual Report for 2017/18. The annual Report summarised safeguarding activity undertaken throughout 2017/18 by the Board and its key partners and set out the progress made against priorities. There was a statutory requirement to present the Annual Report to the local Health and Wellbeing Board and in Devon it would also be presented to Cabinet.

The Report helped ensure that key messages were portrayed and understood widely.

In response to Members' questions and comments the Board's Chair commented on:

- a shortened version of the Report was available on the website with further information on performance data;
- further investigation by the Board (a deep dive audit) into the comparatively low level of referrals in Devon, noting that the Care Quality Commission (CQC) had positively rated care providers;
- their partnership work with the Safer Devon Partnership, the Council's Adult Care services and other agencies; and their work with acute hospitals in promoting good practice; and
- the reviews of cases in Devon were published and there was good information sharing with other safeguarding Boards to promote learning and develop prevention strategies and regional activity in developing a library of case reviews.

The Chair thanked Sian Walker for her informative presentation and accepted her suggestion that the work of the Board could again be the subject of a future Masterclass available for all Members.

[N.B More detailed information about the work of the Board is available on the DSAB website: <https://new.devon.gov.uk/devonsafeguardingadultsboard/>]

* 78

Northern Devon Healthcare NHS Trust Action Plan

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

The Committee had received the Care Quality Commission's (CQC) inspection report arising from their unannounced inspection of the North Devon Hospital on 17 and 18 July 2018. That inspection had focused solely on the improvements required as detailed in the warning notice following the inspection in October 2017. The Committee had also received the NDHT Action Plan update dated 20 September 2018.

The Committee received a presentation from the Northern Devon Healthcare NHS Trust which covered the CQC's recent findings, where the Trust was now; key areas where further action was required; and the way forward.

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

- the progress that was being made to improve services, the training in place and their robust audit plans, the need to embed, sustain and monitor the improvements that were being made whilst acknowledging that more work was required to address all the weaknesses identified;
- the significant investment made by the Trust in their Accident and Emergency provision and new streamlined operating and triage practices;
- clear ownership of the Risk Register in respect of Maternity Services, as recommended;
- the positive patient feedback following CQC surveys which the Trust would share with Members when available; and
- the new joint accountability arrangements with the Royal Devon and Exeter Hospital Trust (in the last 3 months) and effective working with a wider system approach.

The Chair thanked the Trust for the update and the work of their staff in making progress and asked that a further report on the progress of the updated Action Plan be made to the next meeting in November 2018.

* 79 **Promoting Independence in Devon: Our Vision and 5 Year Plan for Adult Social Care in Devon**

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

The Committee considered the Report of the Head of Adult Commissioning and Health (ACH/18/92) on Devon County Council's vision for Adult Social Care and 5-year plan (updated annually). The Annual Report, Vision, and Plan (supported by more detailed strategies and plans) were developed to align with both the County Council's strategic plan and the developing strategy of the wider Devon Sustainability and Transformation Partnership (STP) with the Council's plan organised around the latter's priorities to maximise the potential benefits of joint working.

In response to Members' questions and comments the Head of Service and Councillor Leadbetter outlined

- the Council's arrangements with Westbank in supporting carers;
- the potential benefits in utilising new technology at all levels to supplement care packages by meeting people's needs in different ways;
- the promotion of self-help initiatives, including social prescribing;
- the need for targeted interventions where appropriate; and
- developing work to map current provision.

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

RESOLVED

(a) that the alignment between this organisational plan and the planning framework for the wider health and care system in Devon be noted; and

(b) that the aspiration in future years to a more integrated planning process across the health and care system with organisational reporting being an output of that approach, be noted.

* 80 **Sustainability and Transformation Plan Update and Integrated Care Systems (ICS) Development**

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

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

The Committee considered the Report of the Head of Adult Commissioning and Health, Devon County Council and Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) on an update of the Sustainability and Transformation Partnership (STP) for wider Devon and the emerging Integrated Care System (ICS). The paper highlighted the two-year STP report recently published; an update on national developments in relation to ICS and local work.

The Director of Strategy, the Head of Adult Commissioning and Health and Councillor Leadbetter responded to Members' questions and/or commented on:

- the development of Integrated Care Providers (ICP) nationally regarding a new form of contracted services coming together based on outcomes (wider social care and health determinants) and which at this stage these new contracts were not mandatory;
- historically different funding levels and resources across wider Devon and the need to address inequality of opportunity and outcomes and deployment of resources accordingly;
- the evidence base for decision making provided by the Joint Strategic Needs Assessment JSNA;
- the complex reasons behind any delays in patient hospital discharge into the community;
- the prevention workstream within the STP headed by the County Council's Chief Executive; and
- challenges faced in work force planning in an environment of near full employment, joint staffing arrangements, recruitment and the international workforce and the design and development of a medium-term plan by the CCGs details of which could be reported to a future meeting.

A Member referred to the STP Savings Summary 2017/18 (previously circulated to Members) and implications of the possible impacts and called for a spotlight review. The Committee noted that at the time of the publication of these figures they had related to projections of significant overspend if no action was to be taken. The STP programme was addressing the issues which had been identified.

Members also noted that the Committee's Standing Overview Group's next meeting would focus on the STP and ICS governance and integration.

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

RESOLVED that the progress on the Sustainability and Transformation Plan and the Integrated Care Systems development be noted and progress be reported to this Committee.

* 81

Community Leadership in Okehampton

In accordance with Standing Order 23 (2) Councillor Ball had asked that the Committee consider this matter.

Councillor Ball gave a presentation on his engagement with the community of Okehampton in response to NEW Devon CCG decisions which had led to the loss of inpatient beds at Okehampton hospital and the development of the New Model of Care in the Town and its environs, including new and improved health and care services at the Community Hospital. The local engagement and leadership by Councillor Ball with officers included a successful community information day and a Proud to Care jobs fair which brought local people and healthcare professionals together to promote recruitment into local health and care services.

In response to Members' questions Councillor Ball indicated that his experience was not a blueprint for other members and communities but an example of allowing his community to come together and learn and find about what was needed and the opportunities available.

The Members commended Councillor Ball on his local leadership and work with the community and agencies.

* **82** **Understanding the Model of Care - Community Health and Care Team Visits**

The Committee received Report of the Health and Adult Care Scrutiny Committee Members on a series of visits to community health and care settings across the County to enable members to gain feedback from staff and a better understanding of the way in which the model of care in Devon was working operationally and the key issues affecting services from a frontline perspective.

Members had visited the Exeter Community Health & Care Team, Exeter Community Hospital; Holsworthy Community Health and Care Team, Holsworthy Community Hospital; and Teignmouth Community Health & Care Team, Teignmouth Community Hospital. In addition, the local member for Otter Valley had visited Honiton and Ottery Community Hospitals on 9 August 2018.

Members agreed that the system appeared to be working well and supported by the dedicated and motivated staff who fully endorsed the concept and the new way of working for the benefit of the community. Members were encouraged to continue to visit their local teams.

* **83** **Carers Event at Westbank Community Care Services**

The Committee considered the Report of the Health & Adult Care Scrutiny Committee Members (CSO/18/28) on a Members' visit to a Carers Event at Westbank on 23 July 2018. The session with carers, care ambassadors, commissioners and the provider had covered:

- the approach to Carers' Support Services, key features of the new service "Caring Well in Devon" and the carer offer;
- the County Council's response to the views of carers expressed in the biennial Carer Survey, the outlook for the next survey which would be undertaken this year and factors which may affect that; and
- the new National Action Plan for Carers and expectations relating to carers in the forthcoming Green Paper on Social Care for Older People.

The Committee noted the concerns expressed by the Carers under the Public Participation Scheme (Minute 75* refers).

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

RESOLVED

(a) that as part of the new Caring Well in Devon contract officers continue to develop a systematic approach to capturing feedback from carer ambassadors; and

(b) that a Spotlight Review on carers be added to the scrutiny work programme.

* **84** **Work Programme**

The Scrutiny Officer reported that member site visits to a range of residential care homes would be arranged and that a request had been received from the Devon Partnership Trust (DPT) to review its Mental Health and Wellbeing Strategy.

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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 progress (Minute *80);
- (b) STP and Health and Care Integration (Minutes *82);
- (c) Spotlight Review Carers (Minute *85);
- (d) Spotlight Review DPT Mental Health and Wellbeing Strategy; and
- (e) Report of Residential Care Homes Visits.

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutinycommittees/scrutinyworkprogramme/>]

* **85 Information Previously Circulated**

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

- (a) NHS 111 Online in Devon - Health & Adult Care Scrutiny Committee: briefing from the CCGs on NHS Online 111 launched in Devon at the end of the July;
- (b) NHS England Briefing note on GP care in Hatherleigh and Shebbear;
- (c) Devon STP 2-Year Report highlighting what the STP set out to achieve, the progress that has been made and plans; and
- (d) briefing note by NHS England on the Hatherleigh Medical Centre and Beech House Surgery, Shebbear move to temporary accommodation.

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The Meeting started at 2.15 pm and finished at 5.31 pm