

*County Council
Thursday, 6th December, 2018*

NOTES FOR VISITORS

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

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

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

Access to County Hall and Public Transport Links

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

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

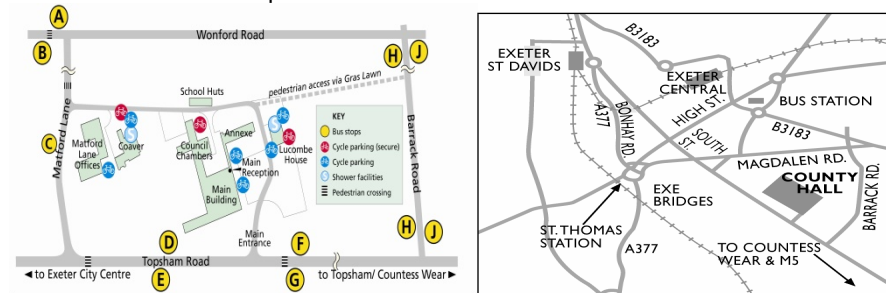
Car Sharing

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

Car Parking and Security

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

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB   Denotes bus stops

Fire/Emergency Instructions

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

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



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

28 November 2018

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 6th December, 2018 at 2.15 pm.

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

Chief Executive

[Prayers will be offered by the Reverend Dr Michael Grandey, Minister of the parish church of St Mary Magdalene, South Molton, 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 - 16)

To approve as a correct record and sign the minutes of the meeting held on 4 October 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 Appeals Committee - 8 October 2018 (Pages 17 - 18)
- b Appeals Committee - 5 November 2018 (Pages 19 - 20)
- c Appeals Committee - 3 December 2018
The minutes will be published [here](#) shortly.
- d Procedures Committee - 7 November 2018 (Pages 21 - 24)
- e Audit Committee - 8 November 2018 (Pages 25 - 28)
- f Standards Committee - 12 November 2018 (Pages 29 - 34)
- g Public Rights of Way Committee - 15 November 2018 (Pages 35 - 38)
- h Investment and Pension Fund Committee - 16 November 2018 (Pages 39 - 44)
- i Development Management Committee - 28 November 2018
The minutes will be published [here](#) shortly.
- j Health and Adult Care Scrutiny Committee - 22 November 2018 (Pages 45 - 52)
- k Children's Scrutiny Committee - 26 November 2018
The Minutes will be published [here](#) shortly.
- l Corporate Infrastructure and Regulatory Services Scrutiny Committee - 27 November 2018
The Minutes will be published [here](#) shortly.

NOTICES OF MOTION

10 Devon and Cornwall Police and Dorset Police Merger (Minute 147 of 4th October 2018)

To receive and consider the recommendations of the Cabinet (Minute 255(a)) 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:

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 PCC commenced a public engagement programme across the three counties in August which ended on 28th August, the full business case was not 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.*
- DCC had not formally been consulted and this has not been discussed at DCC 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 are 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:

- The 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 opposes the merger on information it currently has available to it that it will mean an increase of £18 per year council tax for average Band D residents in Devon and Cornwall and writes to the PCC and if appropriate the Home secretary with its views;*
- Council censures the PCC in relation to her consultation on the merger as the stakeholder consultation was carried out while important local authority stakeholders were in summer recess and without the business case being*

made available to stakeholders so that the no meaningful consultation could take place.

Having had regard to the aforementioned, the factual briefing/position statement on the matter as set out in Report (CSO/18/32) and other suggestions considered at that meeting, the Cabinet subsequently resolved, in light of the position of the Police and Crime Commissioner that she was minded not to support the submission of the proposed full business case to the Home Office (therefore the proposal would not progress), that Council be advised that no further action should be taken on the Notice of Motion.

11 Children's Bed Poverty (Minute 148 of 4th October 2018)

To receive and consider the recommendations of the Cabinet (Minute 255(b) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely

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 per cent.

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

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

Having had regard to the aforementioned, any factual briefing/position statement on the matter as set out in Report (CSO/18/32) and other suggestions considered at that meeting, the Cabinet subsequently resolved to accept the Notice of Motion and make representations to James Brokenshire MP, the Secretary of State for Housing, Communities and Local Government, copying the same to local Devon MPs, raising the issue of bed poverty, endorsing the work of the Buttle Trust and seeking support for a national scheme that would enable families to get the support they need.

12 Devon County Council and Fracking

Councillor Hodgson to move:

I am aware that South Devon has little if any shale reserves that could attract potential fracking exploration or would be economically viable to extract. However, as part of a national support to prevent controversial planning matters being able to avoid public consultation and protest and also to support a permanent ban on fracking in the UK, I am also requesting this motion regarding permitted development rights which has now been allowed for Fracking planning applications. This means that applications can bypass the usual public consultation and objection processes and publicly represented decision making bodies such as council planning committees. France, Ireland, Bulgaria, Germany, Victoria, in NSW Australia, four provinces in Canada New Brunswick, Newfoundland, Nova Scotia and Quebec have all banned fracking and Germany has placed an indefinite moratorium, Netherlands has placed a temporary moratorium on fracking. This also supports this Council's agreement in principle to support initiatives that will prevent or mitigate climate change.

- 1. Will write to the Secretary of State to object to applications for fracking having permitted development rights such that applicants can avoid the usual planning system.*
- 2. Supports a national ban on fracking in the UK on public safety and climate change grounds.*

13 British Sign Language

Councillor Dewhirst to move:

This Council passionately believes that good communication lies at the heart of a civilised society and furthermore believes that inclusion is a vital part of a fair society.

To that end this Council realises that there is a large number of British Sign Language (BSL) users in Devon and so offers Deaf people an on-line interpretation service to enable people whose first language is BSL to communicate and interact with our Council.

The BBC offer in-vision BSL interpretations of some popular and topical programmes however it is not provided for the local and live news services. They do however offer the option for subtitles to be used for their programmes for Deaf people or people with limited hearing. Sadly, Deaf people find this service less than helpful and often very confusing - try watching the news with the sound off and just subtitles. ITV offer no services for Deaf people. Many Deaf people in Devon wish to keep up with the news in our County and wish that the BBC and ITV offered a similar interpretation service to our Council. This currently happens in America and most western countries.

In a spirit of inclusion this Council resolves to ask the BBC and ITV to start a process of full inclusion by asking the Chief Executive to write to the Director General of the BBC to ask for Spotlight South West to be signed in BSL and to the Managing Director of ITV Westcountry to ask for West Country News to be signed in BSL.

14 Devon's Housing Need

Councillor Shaw to move:

Devon County Council welcomes the reports published by the Council for the Preservation of Rural England (Devon branch), 'Devon Housing Needs Evidence' and 'A Review of Government Housing Policy and Its Impact on Devon' and the extensive research from which they result. Noting that the reports conclude that Devon's real housing needs are substantially less than currently assumed, Council asks Cabinet to commission a full evaluation of the implications of these reports for both the Council's policies and relevant joint ventures including the Greater Exeter Strategic Plan.

15 Brexit Referendum and Economic Impacts

Councillor Shaw to move:

While welcoming the Devon Councils' support for Flybe, this County Council expresses its alarm that Brexit has contributed to the airline's crisis and that it has been followed by the announcement of the closure of the Schaeffler factory in Plymouth.

In view of (a) this accelerating harm to Devon's economy, which also threatens our agricultural, health, university and small business sectors and living standards, and (b) polling evidence which suggests that a majority of Devon voters and Devon districts now oppose Brexit, Council calls on the Government to organise a referendum in which voters are offered the choice of accepting the deal which the Government has negotiated or remaining in the European Union.

16 Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

Councillor Biederman to move:

This County Council welcomes the fact that the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee has now met, but believes that for effective scrutiny to take place:

- (1) two of the Council's four places on the Committee should be made available to opposition groups from next May;*
- (2) there should be an opportunity for the Non-Aligned Group to be represented from time to time;*
- (3) an opportunity for public participation should be provided;*
- (4) proceedings should be webcast.*

17 Fair and Adequate Funding to Local Authorities

Councillor Atkinson to move:

Philip Alston, the UN's special rapporteur has found that Local government in the UK has been "gutted" by government policies reflecting the "dismantling of the social safety net". He finds that since the onset of austerity, cuts to local government funding have transferred service costs to users who are "least able to pay" and local authorities are "even struggling with the basic services they are statutorily obligated to provide" such that the "overall social safety net is being

systematically dismantled” as local authorities, especially in England, which perform vital roles in providing a real social safety net have been gutted by a series of government policies.

The UN official referenced the National Audit Office’s finding that local government has incurred a 49% cuts in funding since 2011-2018 (but 75% cut in revenue funding to fund services in Devon County Council) community and youth centres have been shrunk and underfunded, public spaces and buildings including parks and recreation centres have been sold off and 14 million people – one fifth of the population – live in poverty, and noted that Institute for Fiscal Studies calculations predict a 7% rise in child poverty between 2015 and 2022. He also says that despite these factors, Alston claimed ministers were in “a state of denial” about UK poverty. Other areas in which social security have been undermined include cuts to legal aid and benefit reductions.

This Council agrees with the rapporteur’s findings and urges the government to introduce fair and adequate funding to local authorities to meet local people’s needs in Devon.

18 Devon and Cornwall Police Funding

Councillor Atkinson to move:

The government has been more interested in terrorism and high-end threats but less focused on local crimes and policing. Steep budget reductions and a widening mission for the police has forced Devon and Cornwall Police to make the difficult decision to cut budgets for local policing. Austerity cuts in other public services have also impacted on the police who are often the service of last resort for people with mental health conditions.

The National Audit Office report castigated the government’s handling of the police. The NAO assesses the government did not fully understand the actual impact of these cuts on police forces such that policing is at the tipping point. This Council calls on the government and local MPs to ensure that the anticipated review of police funding agrees a fair funding formula for police forces that ensures an increase in funding for Devon and Cornwall Police which does not pass funding increases on through council tax beyond the current permitted up to 2% annual increase in the police precept.

19 Declare a Climate Emergency

Councillor Hodgson to move:

Full Council notes:

Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm). This far exceeds the 350 ppm deemed to be a safe level for humanity;

In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO2eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to

less than 2 tonnes as soon as possible;

Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;

Carbon emissions result from both production and consumption;

Devon County Council has already shown foresight and leadership when it comes to addressing the issue of climate change when back in 2004 we signed up to the Nottingham Declaration on Climate Change and has since recognised this in its strategy for responding to the Climate Change Act 2008 which underpins its strategies, actions plans, public statements and advice to businesses, residents and parish councils;

Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050;

The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published last month, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities;

Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.

Full Council believes that:

All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change their policies. It is important for the residents of Devon and the UK that counties commit to carbon neutrality as quickly as possible;

Local Authorities are uniquely placed to lead the world in reducing carbon emissions;

The consequences of global temperature rising above 1.5 degrees Celsius are so severe that preventing this from happening must be humanity's number one priority; and,

Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

Full Council calls on the Leader to:

- 1. Declare a 'Climate Emergency';*
- 2. Pledge to make the county of Devon carbon neutral by 2030, taking into account both production and consumption emissions (scope 1,2,3);*
- 3. Call on Westminster to provide the powers and resources to make the 2030*

target possible;

4. *Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius;*
5. *Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;*
6. *Report to Full Council within six months with the actions the Council will take to address this emergency.*


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>

<p>Access to Information</p> <p>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.</p> <p>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.</p>
<p>Interests</p> <p>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.</p>
<p>Questions from Councillors</p> <p>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.</p>
<p>Public Participation</p> <p>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.</p> <p>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.</p> <p>For further details please contact Karen Strahan on 01392 382264 or look at our website</p>
<p>Webcasting, Recording or Reporting of Meetings and Proceedings</p> <p>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/</p> <p>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.</p> <p>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.</p>
<p>Emergencies</p> <p>In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.</p>
<p>Mobile Phones</p> <p>Please switch off all mobile phones before entering the Committee Room or Council Chamber</p>
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 <u>or</u> email to: centre@devon.gov.uk <u>or</u> write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
<div>  <p>Induction loop system available</p> </div>

Council Chamber Seating

JULY 2018

