

*County Council
Thursday, 6th December, 2018*

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

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Access to County Hall and Public Transport Links

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

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

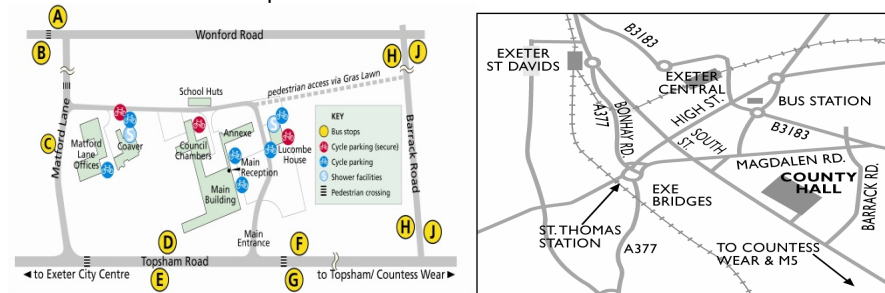
Car Sharing

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

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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-

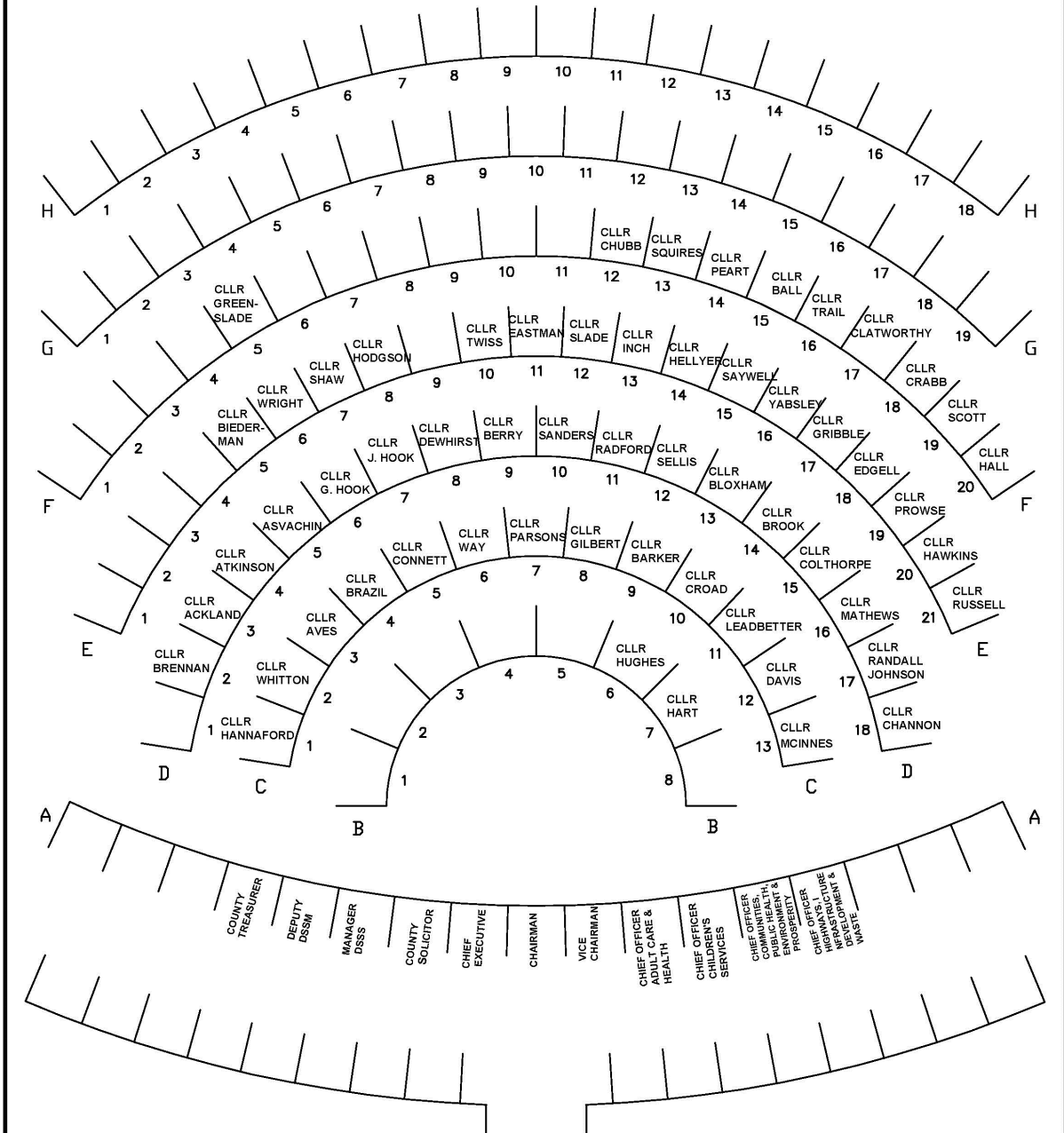
<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

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



COUNCIL

4 October 2018

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, F Biederman, R Bloxham, J Brazil, E Brennan, J Hook, I Chubb, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhirst, A Eastman, R Edgell, R Gilbert, G Gribble, 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, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, P Twiss, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors J Berry, C Channon, B Greenslade, P Prowse, R Radford and N Way

131 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 19 July 2018 be signed as a correct record.

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

132 Announcements

The Chair of the Council reported the sad passing of former County Councillor and Alderman Kathleen Hawkins, who served the Council between 1993 and 1998, representing Torbay Babbacombe ward.

The Chair also paid tribute to all the staff involved in the organisation of the Devon leg of the Tour of Britain, highlighting the numbers of people lining the 175-mile route and that approximately 200,000 people turned out for the event with £4 million of extra spending generated in the County.

The Council also heard about the display in the ante-chamber championing world mental health day and asking Members to sign up as Mental Health Champions. The Chair asked Members to support this and register accordingly.

133 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

134 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Mrs Jones (Chair of the Environment and Transport Sub Committee of Buckfastleigh Town Council) with a petition organised by the Town Council containing approximately 252 signatures relating to 20 mph speed limits in Buckfastleigh.

A second Petition was given to the Leader from Mrs Metcalfe in relation to there being no inbound bus stop between Exminster (Sammerville Way) and Topsham Road, when there was an outbound bus stop on Bridge Road and highlighting the difficulties this presented to local residents.

Agenda Item 2

2
COUNCIL
4/10/18

A third petition was also received from Jill Richards, containing 230 signatures from people in Hulham Road in Exmouth who were requesting speed cameras to be installed to slow down drivers in that road, due to excess speeds.

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

There was no question from a Member of the public.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Ms Parrish regarding the number of animal deaths on unfenced roads in Devon and within Dartmoor National Park. The Council noted she had started both an online and paper petition to ask that all unfenced roads were brought down to a maximum of 40 MPH.

The Chair thanked the Ms Parris, highlighting that Members had heard her presentation.

135 Petitions from Members of the Council

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

136 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members and a Committee Chair provided written responses to 17 questions submitted by Members of the Council relating to School Clearways outside Haytor View School and associated road safety measures, the use of the Sustainable Communities Act 2007 (allowing local authorities to ask Government to remove legislative provisions regarding the improvement of economic, social and environmental well-being of an area), emergency planning in preparation for a 'no deal' Brexit, the Council's Policy relating to the re-marking of disabled bays, school holiday hunger including interaction and hits on the Council's website, the number of children affected, a comparison with other County Council's, any impact on educational attainment and also working with the County Council's network (CCN) and Local Government Association (LGA) to lobby Government to consider a similar scheme as that operated by the Welsh devolved Government.

There were also questions submitted on wellbeing hubs, how many were open in Devon and due to open over the next two years, any extra provision the Council had created to support those who could require advice over the roll out of Universal Credit, the draft Integrated Care Provider (ICP) Contract, Member briefings on the matter and whether the Council would respond to the Consultation, the re-opening of the landfill site at Heathfield and relevant planning conditions, the role of Highways in modifying District Council planning decisions and conditions, the lobbying of the Department for Transport for investment in rail infrastructure in Devon (for example services to Okehampton, reinstatement of the track from Meldon Quarry to Bere Alston via Tavistock, re-doubling the track from Exeter to Salisbury and investment in the Weymouth to Castle Cary line), implementation of the Government's Air Pollution Strategy including local progress and actions and, finally, what extra provision the Council had in place to supply adequate secondary school places with the rising numbers of children of that age.

The Leader and 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 signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting]

137 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) Children's Services and Schools

Councillor McInnes reported, as requested by Councillor Hannaford on the Care Leavers Contract and any ministerial direction, highlighting the policy document 'Keep on Caring' to support young people from care to independence and the key policy pledge to introduce a Care Leaver Covenant. This was a pledge from organisations to make concrete commitments to help improve outcomes for care leavers and the Cabinet Member asked Councillors to do all they could to encourage local businesses to be ambitious in what they could offer to support future generations.

In responding to the request to report, from Councillor Hannaford, on the Free Child Care Initiative (30 hours) including figures, provider capacity, parental subsidies etc, the Cabinet Member highlighted that since September 2017, many 3 & 4 year olds of working families had been entitled to the 30 hour per week free childcare extended entitlement (1140 per year) and the Early Years and Childcare Service had provided training, advice and support to settings to encourage them to offer this extended entitlement. The Report gave figures on the uptake and actions taken to support this initiative and that full details of Childcare Sufficiency would be presented in the Report to the Cabinet on 10th October 2018.

He was further asked to report, by Councillor Hannaford, on period poverty in Devon schools, any school days missed and pilots for free universal access, but the Council did not hold data on which schools provided free sanitary products. However, many schools had products available; often via promotional supplies from companies or bought in by the school. Members highlighted various initiatives that supported this issue including food banks, locality grant applications and the [red box project](#).

Councillor Aves had requested a Report (circulated by the Cabinet Member) on child poverty in Devon (in light of a newspaper article published on 17th September) including the levels of child poverty in Devon, numbers over the last ten years and what the Council was doing to reduce child poverty in Devon. The Cabinet Member highlighted that the latest data on child poverty in Devon was available in the [Devon Joint Strategic Needs Assessment](#) (JSNA) and the [Devon Health and Wellbeing Outcomes report](#). This included the relevant numbers and percentages as well as a District breakdown and comparison. The report also included relevant graphs with data on children in low income families (all dependent children under 16) and the percentage of children aged under 16 living in households dependent on benefits or tax credits (1999 to 2015), as well as an assessment of the relationship between child poverty and wellbeing. The Cabinet Member informed the Council of the actions being taken to reduce child poverty in Devon, such as the use of new intelligence resources and new metrics around poverty and also the various strands of work that addressed the issue, for example working with schools, public health interventions, targeted economic development programmes, advice services and benefit awareness campaigns to name but a few. He also agreed to ensure the Health and Wellbeing Board had oversight of this issue.

Councillor Aves requested a Report on what the Council was doing to push further for more Government funding for the High Needs Block of the Designated School Grant (in light of the new Free School (Special School) not being open by September 2018). The Cabinet Member said that Devon continued to seek a change in the Government's way of allocating funding, as funding for the High Needs Block (HNB) had not kept pace with the growth in pupils requiring Education Health and Care Plans (EHCPs) and lobbied on a national level as part of the f40 group (lowest funded 41 Local Authorities) with the Cabinet Member as the Chair-elect (Chair from October 2018). The Report also highlighted the investment in special schools and the opening of new provision with the number of special school places provided in Devon increasing by 12.4% and also the plan to open additional special school places at Charlton Lodge in Tiverton. As Local Authorities could no longer open new schools and final decisions were with the Regional Schools Commissioner Office, there had been a delay with the opening of Charlton Lodge. In addition, a new special school in Newton Abbot was due to

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open in September 2020. The Cabinet Member undertook to issue a briefing to Members after his imminent meeting with MP's on school funding.

Councillor McInnes also responded to Councillor Brennan's request to report on the recent 'Everyday Sexism Project' in August 2018 in relation to rape and sexual assault in schools and the lack of guidelines to schools on how to deal with this issue and what action the Council was taking in light of the report, new guidelines or model policies. The Department for Education (DfE) had published new guidance 'Sexual Violence and Sexual Harassment between Children in Schools and Colleges' in May 2018 which gave clear advice to schools about how to deal with this issue as well as the new Keeping Children Safe in Education (September 2018) statutory guidance which provided additional advice to help school and college staff deal with allegations of child-on-child sexual violence and harassment. Babcock LDP had covered this issue in its termly Forums for Designated Safeguarding Leads and in its half termly safeguarding newsletter for schools. The Police also worked with partners including the Council to provide resources to support practice across a wide range of professionals. Moving forward, the Safer Devon Partnership had been successful in a bid for Trusted Relationships funding. The Cabinet Member offered to discuss the matter further outside of the meeting.

Councillor Dewhirst had also asked the Cabinet Member to report on the level of incidence of loneliness in young people, children in care in particular in Devon and what the County Council was doing to mitigate the effects of loneliness. Whilst there was no specific data in relation to children and young people and no present way to measure the incidence of loneliness in children and young people locally, the Cabinet Member referred to a piece of work recently presented to the Health and Wellbeing Board and advised that a campaign around loneliness was being led and supported by the Board with additional work being undertaken on the relationship between indicators of loneliness and health risk profiles and referred to a piece of work by Action for Children who published a report specifically looking into the impact of loneliness in children, young people and families.

He also responded to questions on investment in the Youth Service.

(b) Economy and Skills

Councillor Gilbert reported, as requested by Councillor Hannaford, on the Devon context and the options in relation to various Brexit scenarios, including the fishing industry, an analysis over possible trade deals, asking that consideration of these issues be embedded into strategies and policies including representations to ministers and local MPs. The Report gave a background on the current position with fishing ports, landing tonnages, average wages in the industry and the broader issue of coastal communities and the work of the Council in this regard. Whilst the Council had not undertaken a scenario analysis about the impact of specific Brexit scenarios on the fishing industry, in September 2018, the Council submitted a response to DEFRA's consultation on the future of fisheries policy and highlighted the key points made in this response as well as the importance of Devon's marine environment and the need to ensure that this environment was adequately protected after Brexit.

He also reported on the current position with any unspent EU grant money in respect of the Devon and Somerset allocation as asked for by Councillor Hannaford, highlighting the EU funded programmes, how monies were allocated and the current ERDF position in the Heart of the South West which was out of a total allocation of £53.6m, £21.6 million ERDF had been formally contracted across 17 projects; and 15 proposals with a total value of £28 million were in the business process demonstrating the ERDF programme was 92% committed, or in the pipeline. With the ESF programme, out of a current total allocation of £39.8m, £21.6m had been formally contracted across 12 projects. The ESF programme was 90% committed, or in the pipeline. With the EAFRD position, the programme was fully committed, inclusive of pipeline projects.

In summary, the Cabinet Member highlighted that approximately 93% of EU grant monies were committed and consequently only 7% remained unspent.

He also circulated a Report on the Automated and Electric Vehicles Act 2018 and electric chargepoints and any implications for the Council, as requested by Councillor Atkinson. The Report highlighted that the Council was keeping abreast of developments in both autonomous vehicle technology and were engaged in InnovateUK programmes aimed at trialling ultra-low emission vehicle charging initiatives. The Council was also willing to work with private sector partners to fund, test and develop innovations, ensuring that what was introduced was appropriate in terms of the type of infrastructure installed, accessibility and safety in relation to the highway.

(c) Highways Management

Councillor Hughes commented, as requested by Councillor Hook on the progress with the Wray Valley Trail and the Teign Estuary section of cycleway between Newton Abbot and Teignmouth and also reported on the progress with part 1 claims on the South Devon Highway, as requested by Councillor Dewhurst.

In relation to the Wray Valley Trail, 7km of the 10.5km Wray Valley trail was now complete, given the investment in recent years. The remaining 3.5km was controlled by the Council and only two portions of land remained outstanding. Work was underway to acquire the remaining land and deliver the remaining length of the trail by Summer 2019. Work to develop the Teign Estuary multi-use trail was being progressed in partnership with local stakeholders. From the Passage House Inn to Bishopsteignton, design work was continuing to secure the route, land and planning, however, the section between Bishopsteignton and Teignmouth remained challenging and would require significant levels of funding to be identified, but the Teign Estuary Trail remained a long-term aspiration for the Council. Between Dawlish and Teignmouth an expression of interest for external funding through the Coastal Communities Fund was submitted in May 2018.

In relation to the South Devon Highway, he commented that the Council was expecting to be in a position at the end of the year to have a completed assessment.

(d) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report, as requested by Councillor Hannaford on the ongoing work to Exeter's flood defences with particular reference to the concerns of local residents and businesses that at some locations work seemed to have slowed or even stopped. The Cabinet Members Report gave the background to the scheme, with phase 1 being substantially completed in October 2016 and Phase 2 which started in June 2016, following planning consent and covered a range of more complicated works and flood structures in six zones extending from Cowley Bridge in the north to Countess Wear in the south. The Report outlined that work in most zones was well advanced or nearing completion, particularly along the right bank of the river from Exwick through to Exe Bridges, but much of the effort was in areas of lower public visibility.

Photographs of works taking place during September 2018 was provided at Appendix 1 to the Report and also reported was the future planned activity for October and beyond.

The Cabinet Member, following a recent Cabinet debate and queries from Members, updated the Council on the current arrangements regarding the provision of bus shelters across the County including the arrangements in Exeter with Clear Channel for the supply and maintenance of bus shelters. For outside of Exeter, the pattern of ownership of bus shelters had evolved over many years and the Council had a specified budget to assist parishes or districts with the installation of new bus shelters on the condition that the parish or district took on maintenance.

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138 Minutes

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

Development Management Committee	-	25 July & 19 September 2018
Audit Committee	-	27 July 2018
Appeals Committee	-	3 September 2018
Procedures Committee	-	10 September 2018
Investment & Pension Fund Committee	-	14 September 2018
Children's Scrutiny	-	17 September 2018
Health & Adult Care Scrutiny	-	20 September 2018
Corporate Infrastructure & Regulatory Services Scrutiny	-	25 September 2018

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

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

Pursuant to County Council Minute 107 of 24 May 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that:

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.

and having had regard to the advice of the Procedures Committee as set out in Minute 43 of 10th September 2018 that there had been no breach of the Council's Standing Orders and that the meeting had been arranged in line with those Standing Orders, there was no requirement to amend the current processes.

Councillor Chugg **MOVED** and Councillor Hart **SECONDED** that the advice of the Procedures Committee be accepted and that no further action be taken on the Notice of Motion.

The amendment in the name of Councillor Chugg was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

Pursuant to County Council Minute 124 of 19 July 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 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.

and having had regard to the advice of the Cabinet set out in Minute 226(a) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted and that no further action be taken on the Motion, but 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.

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) Councillors Dewhirst, G Hook and J Hook asked that their vote against Councillor Harts motion be recorded).

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

Pursuant to County Council Minute 125 of 19th July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by 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.

and having had regard to the advice of the Cabinet set out in Minute 226 (b) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted that the content of the Notice of Motion be noted as well as the activities of Government 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.

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) Councillors G Hook and J Hook asked that their vote against Councillor Harts motion be recorded).

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

Pursuant to County Council Minute 126 of 19th July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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.

and having had regard to the advice of the Cabinet set out in Minute 226(c) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted in that the Council 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 that the Council defer 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.

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

Councillor Hannaford then **MOVED** and Councillor Biederman **SECONDED** that the Motion be amended by the addition of the following sentence after the word 'demonstrated'.

'That the establishment of any new national park should come with additional funding.'

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

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

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

Pursuant to County Council Minute 127 of 19 July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hook that:

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.

and having had regard to the advice of the Cabinet set out in Minute 226(d) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted in 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.

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.

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

Pursuant to County Council Minute 128 of 19th July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

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.

and having had regard to the advice of the Cabinet set out in Minute 226(e) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted and that Council note this is a matter for the NHS, but the Council will work in partnership to influence decision making appropriate to individual circumstances, including population need and the quality of building.

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

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

That after the words 'That Council' insert 'welcomes the statement by the Health Secretary at the Conservative Party Conference that "the era of blindly, invariably closing community hospitals is over" and therefore'.

That the words 'be asked to note that' be replaced with 'while'.

The word 'but' be deleted; and

replace all words from the word 'appropriate' and insert text: 'in the direction of retaining all community hospitals to be used as health and wellbeing centres for their areas.'

The amended motion to read (new text in red):

That Council welcomes the statement by the Health Secretary at the Conservative Party Conference that "the era of blindly, invariably closing community hospitals is over" and therefore while this is a matter for the NHS, this Council will work in partnership to influence decision making in the direction of retaining all community hospitals to be used as health and wellbeing centres for their areas.

Councillor Biederman **MOVED** and Councillor Wright **SECONDED** that, in accordance with Standing Order 32, the vote on the amendment in the name of Councillor Shaw shall be by a roll call vote.

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

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

(In accordance with Standing Order 32(4) Councillors Ackland, Atkinson, Aves, Asvachin, Brennan, Hannaford, Hawkins and Whitton asked that their vote for Councillor Shaw's amendment be recorded).

Councillor Hart then **MOVED** and Councillor McInnes **SECONDED** that the Motion be amended to incorporate the words from the failed amendment and the addition of words 'where appropriate'. To read as follows.

*That Council welcomes the statement by the Health Secretary at the Conservative Party Conference that "the era of blindly, invariably closing community hospitals is over" and therefore while this is a matter for the NHS, this Council will work in partnership to influence decision making in the direction of retaining all community hospitals, **where appropriate**, to be used as health and wellbeing centres for their areas.*

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

145

Universal Credit (Minute 129 of 19th July 2018)

Pursuant to County Council Minute 129 of 19th July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by 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.

and having had regard to the advice of the Cabinet set out in Minute 226(f) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted and that the spirit of the Notice of Motion be welcomed and that the Council supports the overall aims of Universal Credit as described in the briefing note circulated to the Cabinet (CSO/18/25). 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 will continue 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.

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.

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

Pursuant to County Council Minute 130 of 19 July 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

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.*

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- *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.

and having had regard to the advice of the Cabinet set out in Minute 226(g) of 12 September 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's amendment be accepted and that Council endorse the spirit of the Notice of Motion, noting 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.

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.

147

Devon and Cornwall Police and Dorset Police Merger

Councillor Atkinson **MOVED** and Councillor Hannaford **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Atkinson be considered at this meeting.

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

Councillor Atkinson then **MOVED** and Councillor Hannaford **SECONDED**, as amended below and with the consent of the Council.

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 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 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;
- 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.

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

148

Children's Bed Poverty

Councillor Hannaford **MOVED** and Councillor Aves **SECONDED**;

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 breadline.

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

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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.

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 Rev Phil Waites.

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

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

The Meeting started at 2.15 pm and finished at 5.18 pm

Agenda Item 2

15
COUNCIL
4/10/18

APPEALS COMMITTEE

8 October 2018

Present:-

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

Apologies:-

Councillors P Twiss

* **116** **Minutes**

RESOLVED that the minutes of the meeting held on 3 September be signed as a correct record.

* **117** **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.

* **118** **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. It was further noted that no additional costs had been incurred to date as a result of decisions.

* **119** **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:-

ST113 Ashburton - Dartington Primary	Appellant and Local Member
ST115 Kingsbridge - Modbury Primary	Appellant and Local Member
ST118 Tiverton - Updown CE Primary	Local Member
ST119 Tavistock - Tavistock College	Appellant and Cllr Sellis on behalf of Local Member
ST120 Exeter - Clyst Vale CC	Appellant and Local Member

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APPEALS COMMITTEE
8/10/18

ST120 Exeter - Southbrook School

Appellant and Local Member

ST116 Totnes - The Grove Primary

RESOLVED:-

(a) that the following appeal(s) be allowed:-

ST113 Ashburton - Dartington Primary
ST118 Tiverton - Upplowman CE Primary
ST119 Tavistock - Tavistock College
ST120 Exeter - Clyst Vale CC
ST116 Totnes - The Grove Primary

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

ST115 Kingsbridge - Modbury Primary
ST123 Exeter - Southbrook School

(c) that appeal ST117 Malborough - Ivybridge CC had been withdrawn by the Appellant be noted.

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

The Meeting started at 9.45 am and finished at 1.30 pm

APPEALS COMMITTEE

5 November 2018

Present:-

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

* **120** **Minutes**

RESOLVED that the minutes of the meeting held on 8 October 2018 be signed as a correct record.

* **121** **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.

* **122** **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.

* **123** **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:-

ST122	Crediton – Queen Elizabeth CC	appellant Local member
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ST121	Lee Mill – The Erme Primary	-
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RESOLVED:-

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

ST122 Crediton – Queen Elizabeth CC

(b) that the following appeal(s) be deferred (pending developments):-

ST121 Lee Mill – The Erme Primary

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

The Meeting started at 9.45 am and finished at 10.50 am

Agenda Item 9b

APPEALS COMMITTEE
5/11/18

PROCEDURES COMMITTEE

7 November 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, A Connett and R Hannaford

Apologies:-

Councillors C Wright

* 46

Minutes

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

RESOLVED that the minutes of the meeting held on 10 September 2018 be signed as a correct record.

* 47

Items requiring urgent attention

There was no item raised as a matter of urgency.

48

Scheme of Delegation Review

The Committee considered the Report of the County Solicitor (CSO/18/33) on the recent review of the Scheme of Delegation and proposed amendments contained therein.

The Committee noted that the postholders listed in the scheme of delegation were authorised to exercise the functions of the County Council and Cabinet (executive and non-executive) relating to their service area or management responsibilities and to make all the day-to-day decisions which related to the efficient discharge of those functions.

The review was conducted, in the main, in light of a large-scale review of financial regulations, which was approved by the Procedures Committee and endorsed by the Council on 24 May 2018. Some of the financial limits had been amended which meant a potential impact on some of the delegations outlined in section 3e of the Constitution. Heads of Service and Chief Officers were asked to work with their lead accountant, to check their delegations and advise of any revisions required to ensure compliance. In addition, documents like the Constitution did not always keep up to speed with some of the terminology used within service areas, so again the accuracy and appropriateness of terminology needed to be checked.

The Committee also noted that when this review had been agreed by Council, a second piece of work would commence on the 'sub delegations'. In line with the scheme, a Chief Officer / Head of Service could authorise any other officer to make any such decision(s) on his/her behalf. The current records were not centrally held, therefore the aim was to get a composite schedule which could be kept centrally. This was also raised as part of a Devon Audit Partnership audit into good governance. Whilst the standards were high, and in light of the financial regulations review, it was felt to be an opportune time to review this aspect also.

The Committee discussed the following points;

- the role of RIPA and the relevant Chief Officer remit this should fall under;
- clarification on the removal of the role of the Personnel Panel in requests for early release of deferred pension benefits on compassionate grounds; and

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PROCEDURES COMMITTEE
7/11/18

- the role of Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) in schools;

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

RESOLVED that the proposed changes to the Constitution (General and Specific Delegations), attached as an appendix to the Report (with changes annotated) be endorsed and recommended to the Council.

49

Risk Assessment Process for Councillor Disclosure and Barring Service (DBS) Checks

The Committee considered the Report of the County Solicitor (CSO/18/34) outlining a process for the Risk Assessment and Management of Councillor Disclosure and Barring Service (DBS) Checks.

The Report outlined that following a reference from the Audit Committee on 27 July 2018 (Minute *33), the Procedures Committee considered the matter of DBS checks for Councillors on 10th September 2018 (Minute *44).

The Procedures Committee had **RESOLVED** that the Council adopted a policy of conducting a basic DBS checks for all Members of the Council, which had been endorsed by the Council on 4th October 2018, 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, was a member of a Committee which discharged a relevant function.

As part of the Committee's considerations it was agreed that Officers prepared a Risk Assessment that could be used to assess and record the risks of a Councillor in their role, where a DBS certificate showed relevant convictions or other relevant information. The proposed Risk Assessment was outlined as an appendix to the Report and it was suggested this formed part of the 'Safeguarding Guidance for Councillors'.

Members noted the content of the Risk Assessment had been consulted upon with colleagues in both Legal Services and Human Resources. Its aim was to be light touch, but also safeguarding and protecting both vulnerable children and adults as well as the reputation of the Council.

On agreement of the Risk Assessment, the Council would start to progress the DBS checks for all Members of the Council, in line with the newly agreed policy.

Members discussed the risk assessment questionnaire and how this would be used, the reference to any mitigating factors (including drugs), the importance of referencing the new DBS policy in any elections literature and clarification on the role of Group Leaders and Council in appointing Members to Committees.

Members further asked that a minor amendment was made to paragraph 4 of the Safeguarding Guidance to make it clear that the guidance was in respect of acting in the role of Councillor and that the words 'where possible' be applied to the sentence in the same paragraph which related to avoiding circumstances of unsupervised contact with children and young people.

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

RESOLVED that the proposed Disclosure and Barring Service (DBS) Risk Assessment, as part of the Safeguarding Guidance Note for Councillors be endorsed and recommended to the Council for incorporation into the Constitution, subject to the minor amendments outlined above.

50 Health and Wellbeing Board - Extended Membership (Health and Wellbeing Board - Minute 75)

The Committee noted that the Health and Wellbeing Board at its meeting on 13th September 2018 received a [Task Group Report](#) on the development of the Devon Health and Wellbeing Board following discussions about the role and priorities of the Board at the June 2018 Stakeholders Conference.

It highlighted that the Board should focus on health and not just healthcare, with a tiered approach to geography and democratic accountability at all levels. Other suggestions included closer working across all three Health and Wellbeing Boards in the Devon area, a specific role for the Board in joint commissioning of health and care, a stronger emphasis on the wider determinants of health, a focused role for the Board in holding the wider system to account and the development of links with stakeholders and local areas.

The Board had **RESOLVED** that the objectives for Board development and the action plan be approved and Procedures was asked to endorse the aspect of the action plan relating to the extended membership of the Board to incorporate Devon Fire and Rescue Service and SWAST.

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

RESOLVED that the recommendations of the Health and Wellbeing Board, relating to the extended membership of the Board to incorporate Devon Fire and Rescue Service and SWAST be commended to the Council.

*** 51 Scrutiny Best Practice**

In accordance with Standing Order 23(2) Councillor Wright had requested that the Committee consider this matter, in particular the Governments response to the Communities and Local Government Select Committee Report 'Effectiveness of Local Authority Overview and Scrutiny Committees'.

A copy of the Governments response to the report was attached and an update report from the Centre for Public Scrutiny and Association of Democratic Services Officers on progress with the new Guidance, anticipated in December 2018.

The Committee discussed the guidance and welcomed that the Council already abided by the recommendations proposed. They further commented on the expertise and support of the Scrutiny team.

Members suggested the item be deferred until such time that the new guidance was received and also when Councillor Wright could speak and give her views on the matter.

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

RESOLVED that the item be deferred until such time as the new guidance from Government was received.

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

The Meeting started at 10.30 am and finished at 11.18 am

AUDIT COMMITTEE

8 November 2018

Present:-

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

Apologies:-

Councillors J Brazil

* **37** **Minutes**

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

* **38** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **39** **Annual Audit Letter 2017/18**

The Committee received the Annual Audit Letter from external auditors, Grant Thornton (CT/18/86). In July 2018 Grant Thornton issued unqualified opinions on the financial statements of the Authority and Devon Pension Fund. The external auditors were also satisfied that in all significant respects the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2018.

Grant Thornton were unable to certify the completion of the audit of accounts 2017/18 pending the outcome of an investigation following an objection. Grant Thornton have commenced the review, which is expected to be concluded by the end of the year.

Members noted that the wording in the value for money risk had been updated following discussions during the Audit Committee in July. The amendment related to the comment that the 'Council's future financial resilience would be overly dependent on its transformation plan'.

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

RESOLVED that the report and findings be noted.

* **40** **External Audit Update**

The Committee received a Report from Grant Thornton (CT/18/87) setting out the progress made in delivering their responsibilities as external auditors for the Council and giving a summary of relevant emerging national issues and developments.

The external auditors reported that at the time they undertook their planning in January 2018, they had envisaged that the Council's medium term financial strategy (MTFS) would be reliant on its transformational programme, which was expected to become operational from 2019/20. Grant Thornton however now felt that the Council's MTFS in 2019/20 was not overly dependent on those savings, which should be able to be delivered through more traditional approaches.

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

RESOLVED

- (a) that the report and findings be noted.
- (b) that the Head of Organisational Change be invited to the next meeting of the Committee to update on the transformational programme.

* **41** **Internal Audit Half Year Report 2018/19**

The Committee considered the Report of the County Treasurer (CT/18/79) providing a six-month audit opinion of the Council's Internal Audit Service and progress to date against the internal audit plans for 2018/19. The opinion was that an effective framework of control was in place providing reasonable assurance regarding the effective, efficient and economic achievements of its objectives.

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

RESOLVED

- (a) that members note the internal audit opinion that the Council's systems contain a satisfactory level of internal control.
- (b) that members note the satisfactory performance and achievements of Devon Audit Partnership during the first six months of 2018/19.
- (c) that the Council's continuing commitment to the maintenance and enhancement of an anti-fraud culture is endorsed.

* **42** **Audit Progress Report**

The Committee received a Report of the County Treasurer (CT/18/80) setting out progress with regard the "improvements required" issues identified.

The Deputy Head of the Devon Audit Partnership highlighted the progress made by management in implementing agreed actions to address the areas of weakness identified. There remains further work to undertake as some of the risks have not been fully mitigated and need to continue to be managed, such as off payroll working where assurance cannot currently be given.

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

RESOLVED that the Committee notes the progress being made by management to address weaknesses identified through the internal audit process.

* **43** **2018/19 Risk Management Annual Report**

The Committee received a Report of the County Treasurer (CT/18/85) setting out the background to Risk Management within the County Council and the important role that the Audit Committee plays in the process.

In response to concern from members, officers advised that work is underway to address the inclusion of an overarching risk on the risk register in terms of the Children's Services financial position.

Agenda Item 9e

AUDIT COMMITTEE
8/11/18

Members considered the creation of an Annual Plan for the Audit Committee to help them to monitor forthcoming activity.

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

RESOLVED

- (a) that members note the current risk position for all risks.
- (b) that the Committee notes the ongoing updates to the risk management process as supported by Devon Audit Partnership.
- (c) that an Annual Plan for the Committee is developed.

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

The Meeting started at 2.15 pm and finished at 3.30 pm

STANDARDS COMMITTEE

12 November 2018

Present:-

Councillors C Chugg (Chair), M Asvachin, R Bloxham, P Colthorpe, J Mathews, P Twiss, Sir Simon Day, I Hipkin, A Mayes and R Saltmarsh

Apologies:-

Councillors A Connett and R Hodgins

* 38

Minutes

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

RESOLVED that the minutes of the meeting held on 2 July 2018 be agreed as a correct record.

* 39

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 40

Customer Feedback Monitoring Report

The Committee received the Report of the Head of Digital Transformation & Business Support on the customer feedback for quarter 2 (July 2018 – September 2018) which provided a quarterly update on the volumes and themes for all types of customer feedback (compliments, comments and complaints), letters from Members of Parliament and Complaints being dealt with by the Local Government and Social Care Ombudsman about Devon County Council.

In addition, it provided information regarding the Council's performance in responding to and learning from the outcomes of complaints.

The Report highlighted that data in relation to Stage 1 complaints in quarters 1 and 2 (411 and 352 respectively), Stage 2 complaints (57 in quarter 1 and 48 in quarter 2), Stage 3 (1 in quarter 1 and none in the current quarter), LGO complaints (a small rise from 17 in Q1 to 20 in Q2), Compliments (staying roughly the same as 260 in Q1 to 257 in Q2), MP Letters (a small drop from 189 in Q1 to 153 in Q2) and Representations (again a drop from 77 to 51).

The Appendix to the Report also gave a breakdown by service area in relation to the above data.

Members asked whether there were any trends in complaint data and also for the rise in residents parking complaints, the letters from MP's and any repeat correspondence, how members of the public could submit compliments and clarification of the rise and fall of Ombudsman complaints both in the previous and current year.

Members commented on the format of the Report (which had been changed), welcoming the new and simplified version.

Agenda Item 9f

STANDARDS COMMITTEE
12/11/18

* **41** **Local Government & Social Care Ombudsman Annual Review Letter 2017/18**

The Committee considered the Joint Report of the Ombudsman Link Officer and the Head of Digital Transformation and Business Support on the Local Government & Social Care Ombudsman Complaints Annual Review Letter for 2017-18.

The letter received from the Local Government & Social Care Ombudsman was also attached to the agenda.

The Committee noted the intention of the Ombudsman in the current year was to reassure Councils that the volume of complaints did not, in itself, indicate the quality of performance and also on the lessons that could be learned from complaints, and improvements that could be achieved.

The Report outlined the number of complaints received by the Ombudsman in the last three years, the Council seeing a continual reduction over the last 3 years. There were 98 complaints decided on by the Ombudsman in the same period, with only 17 (17%) of those being upheld. This was a lower percentage than the previous year, where 21% were upheld.

Of those 17 (investigated and upheld), there were 13 where the Ombudsman felt that the fault caused an injustice and recommended a remedy to which the council agreed. The table at Appendix A to the Report provided details of the 13 upheld with injustice decisions and the required actions by the Council.

In terms of future developments, the Council continued to face financial constraints that necessitated tough decisions around service provision, with the expectation of customers not necessarily reducing in line with the challenges.

It was also acknowledged that complaints to the Ombudsman did not always mean the Council had done anything wrong. However, the Customer Relations Manager continued to ensure that capacity to respond to the Ombudsman within requested deadlines was maintained.

The Council doesn't receive significant criticism from the Ombudsman and, as in previous years, the Council should take even greater measures to ensure it was able to evidence that it learned from complaints and used such learning to improve and maintain the quality of the services it commissioned and provided.

Furthermore, the Committee noted the recommendation of the Ombudsman in his latest letter in relation to the role of Members and Scrutiny in this area and the resources available at <https://www.lgo.org.uk/for-advisors/scrutiny>.

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

RESOLVED that the content of the Ombudsman's Annual Review Letter, the complaints made to the Local Government Ombudsman referred to the authority during 2017/18 and their outcomes be noted.

* **42** **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CS/18/35](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions.

The Head of Democratic Services undertook to remind staff of the need to use nameplates in meetings.

* 43

Devon Audit Partnership - Audit of Ethics and Ethical Governance

The Committee considered the Report of the Devon Audit Partnership on their audit of ethics and ethical Governance, conducted in January 2018.

The focus of the audit was:

- (a) how the Council decided the type of organisation it wanted to be and how that was being put into practice;
- (b) how that was disseminated, delivered, monitored and maintained throughout the organisation; and
- (c) the different roles and responsibilities of Members and Officers.

The Committee noted the outcome of the Audit which reported a 'High Standard', meaning the systems and controls in place adequately mitigated exposure to the risks identified. The system was being adhered to and substantial reliance could be placed upon the procedures in place.

The Report made only minor recommendations which aimed at further enhancing already sound procedures.

Recommendation 1, in terms of the updating of Section 11 of the Constitution, was underway with a desktop analysis of key policy documentation. Members noted this would be completed in December 2018.

Recommendation 2 related to the sub delegations (arising from the scheme of delegation – Part 3e of the Constitution) and the requirement for them to be formalised in a consistent manner. A review of financial regulations was undertaken earlier in the year which led to a separate assessment of the scheme of delegation. This was currently being reported and subject to final approval by the Council in December, the second stage of the review (the sub delegations) would commence in the new year.

Recommendation 3, in relation to the Anti-Fraud and Corruption Policy needing to be published on the website, had been completed.

Members asked questions on any financial limits in relation to gifts and hospitality for both Members and staff.

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

RESOLVED that the outcome of the Audit which reported a 'High Standard' be welcomed.

* 44

Response to the Committee on Standards in Public Life Consultation - Local Government Ethical Standards

Members noted that at the meeting of the Standards Committee on 12 March 2018 (Minute *27 referred), the Monitoring Officer had advised the Committee of the [Consultation](#) from the Committee on Standards in Public Life's in relation to its review of local government ethical standards.

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STANDARDS COMMITTEE
12/11/18

The Consultation had closed the 18th May 2018, therefore the Committee RESOLVED *'that Members of the Committee be asked to submit their views on the consultation questions, as outlined in the terms of reference document to the Democratic Services and Scrutiny Manager, in order for a response to be prepared and shared with Members and that agreement of the final version be delegated to the County Solicitor in consultation with the Chair of the Committee'*.

The final response submitted by the Committee was attached to the agenda for information.

The Committee noted the responses in relation to the existing structures, processes and practices in place to ensure high standards of conduct by local councillors, including questions on the Code of Conduct, investigations and decisions on allegations, sanctions, declaration of interests and conflicts of interest, whistleblowing, improving standards and intimidation of local councillors.

* 45 **Consultation on Updating the Disqualification Criteria for Councillors and Mayors - Summary of consultation responses and Government's response**

Members considered the newly published Government response to its previous Consultation relating to the 'Disqualification Criteria for Councillors and Mayors'.

At the meeting of the Standards Committee (13 November 2017 – [minute *14 refers](#)), the Committee considered the Report of the County Solicitor (CSO/17/29) on the Government's Consultation on the 'Disqualification Criteria for Councillors and Mayors'. The Report had outlined the current disqualification criteria, under section 80 of the Local Government Act 1972, or paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (for a directly-elected mayor of a combined authority) and section 21 of the Greater London Authority Act 1999 which disqualified someone from being the Mayor or an Assembly Member under certain criteria and then the Government's proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they were subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a Sexual Risk Order;
- a civil injunction granted under section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

The Committee previously RESOLVED that the Council's proposed response to the Consultation be endorsed subject to the additional comments regarding civil injunctions and the views expressed at the meeting relating to juveniles.

The Government had recently published its response to the Consultation, which was attached to the agenda for the information of Members. This included a summary of the Consultation responses from many Local Authorities and other public bodies and the Government's response.

The Committee noted that Government intended to include the above categories within the disqualification criteria and would be waiting for an appropriate opportunity to include it within primary legislation. The Committee further noted that any legislative changes would not apply retrospectively.

Members discussed the Council's recent proposal to conduct DBS checks and also the current position where DBS checks were not portable between organisations, notwithstanding the legal position where certain roles might require different levels of checks.

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

RESOLVED that further representations be made to Government regarding the portability of DBS checks, where appropriate.

* 46

Local Determination of Complaints

The County Solicitor updated the Committee on complaints received since the last meeting.

There had been three complaints, two of which, after an initial assessment, determined there had been no breach of the code.

In relation to the third complaint, the Committee agreed with the advice of the County Solicitor that this would be held in abeyance pending the outcome of a judicial review.

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

The Meeting started at 2.15 pm and finished at 2.57 pm

PUBLIC RIGHTS OF WAY COMMITTEE

15 November 2018

Present:-

Councillors P Sanders (Chair), T Inch, P Colthorpe, A Dewhurst, L Hellyer and C Whitton

Apologies:-

Councillors M Shaw

* 76 Minutes

RESOLVED that the minutes of the meeting held on 5 July 2018 be signed as a correct record.

* 77 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

& 78 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. He also welcomed Tom Green, the new Definitive Map Officer for the East Devon area.

* 79 Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 9 October 2018 and a verbal update was given on the management of public rights of way and off-road cycle routes.

* 80 Parish Review: Definitive Map Review - Parish of Kentisbury

(Councillor Davis attended in accordance with Standing Order 23(2) and spoke to this item at Proposal 1 at the invitation of the Committee and Councillor Harper-Davis from Kentisbury and Trensishoe Parish Council attended the meeting under the Council's Public Participation scheme and spoke to this item at Proposal 1.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/75) which examined two proposals arising from the Definitive Map Review in the Parish of Kentisbury.

There was discussion with Members and Officers around safety issues relating to Proposal 1 where the right of way exited onto the A39 road. Whilst safety factors were not pertinent to the decision, officers highlighted that the Council could carry out a Safety Assessment at the location should the route be recorded, and if so requested.

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

RESOLVED

- (a) that a Modification Order be made to modify the Definitive Map and Statement by adding a restricted byway to the Definitive Map and Statement between points A-B-C-D as shown on drawing number HCW/PROW/17/34 (Proposal 1); and

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PUBLIC RIGHTS OF WAY COMMITTEE
15/11/18

(b) that a Modification be not made in respect of Proposal 2.

* **81** **Parish Review: Definitive Map Review - Parish of Sampford Peverell**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/76) which examined proposals for change arising out of the Definitive Map Review in the Parish of Sampford Peverell in Mid Devon.

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

RESOLVED

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a Public Bridleway along Whitnag Lane between points A-B-C-D as shown on drawing number HIW/PROW/18/012 (Proposal 1); and

(b) that a Modification Order be not made in respect of Proposal 3.

* **82** **Parish Review: Definitive Map Review - Parish of Uplowman**

(Councillor Colthorpe declared a personal interest in Proposal 1 by virtue of knowing persons mentioned in the Report.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/77) which examined the route referred to as Proposal 1 arising out of the Definitive Map Review in the Parish of Uplowman in Mid Devon. The route was also Proposal 1 in the Definitive Map Review for the Parish of Sampford Peverell running concurrently (Minute 81).

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by the addition of a Public Bridleway along Whitnag Lane between points A-B-C-D as shown on drawing number HIW/PROW/18/012 (Proposal 1).

* **83** **Public Inquiry, Informal Hearing and Written Representation Decisions: Directions and High Court Appeals**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/78) on decisions received from the Secretary of State.

It was noted that the Report omitted reference in (i) to a second Modification Order, and should read:

'(i) Devon County Council (Footpath Nos 60 and 61 Luppitt) and (Footpath No 62 Luppitt) Definitive Map Modification Orders 2017...'

* **84** **Modification Orders**

The Committee received the Report of the Chief officer for Highways, Infrastructure Development and Waste (HIW/18/79) on Modification Orders confirmed as unopposed under delegated powers, namely:-

- (i) Footpath No 10a, Culmstock Definitive Map Modification Order 2018
- (ii) Footpath Nos 49 and 50, Salcombe Definitive Map Modification Order 2018.

* 85

Public Path Orders

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/80) on Public Path Orders made and confirmed under delegated powers, namely:-

Diversion Orders

- (i) Bridleway No. 15, Axminster Public Path Diversion & Definitive Map and Statement Modification Order 2015.
- (ii) Footpath No. 36, Upottery & Footpath No. 7, Stockland Public Path Diversion & Definitive Map and Statement Modification Order 2018.
- (iii) Footpath No. 23, Holcombe Rogus Public Path Diversion & Definitive Map and Statement Modification Order 2017.

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

The Meeting started at 2.15 pm and finished at 3.25 pm

INVESTMENT AND PENSION FUND COMMITTEE

16 November 2018

Present: -

Devon County Council

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

Unitary and District Councils

Councillors L Parker Elizaveta (Plymouth City Council) and J O'Dwyer (Torbay Council),

Other Employers

D Healy

Unison and Retired Members: Non-Voting Observers

R Franceschini

Apologies: -

Councillor C Channon, Councillor A Connett, Councillor P Edwards, C Lomax and J Rimron

Also, in attendance

S Tyson (Independent Investment Advisor)

* 78

Minutes

RESOLVED that the Minutes of the Meeting held on 14 September 2018 be signed as a correct record.

* 79

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 80

Devon Pension Board

The Committee noted the Minutes of the Pension Board meeting held on 15 October 2018.

* 81

Brunel Oversight Board

The Committee noted the Minutes of the Brunel Oversight Board held on 27 September 2018.

* 82

Governance Policy and Compliance Statement

The Committee considered the Report of the County Treasurer (CT/18/88) on the Governance Policy and Compliance Statement which was one of the four statutory statements that the Fund was required to have in place. Its purpose was to explain the governance arrangements for the Devon Pension Fund, as required by the regulations.

The Report set out the views of the Pension Board made at its meeting on 15th October 2018 in regard to the transition of investment assets to the Brunel Pension Partnership and the relationship between the Devon Fund and Brunel.

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The Pension Board had also agreed that the number of their meetings should be increased to four per year and the final paragraph of Section 5 of the Governance Policy had been revised on that basis.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor R Hosking and

RESOLVED that the revised Governance Policy and Compliance Statement be approved as detailed in Appendix 1 to Report (CT/18/88).

* 83

Statutory Statements: Communications Policy

The Committee considered the Report of the County Treasurer (CT/18/89) on the Communications Policy which was one of the four statutory statements that the Fund was required to have in place. It set out the Fund's policies on the provision of information and publicity about the Scheme to Members, representatives of Members and employing authorities. It also set out the format, frequency and method of distributing such information or publicity, other key organisations, values in relation to communications and the professional expertise available to the Fund.

The Communications Policy was last updated by the Investment and Pension Fund Committee in November 2015. The revised policy addressed action points raised by the recent internal Audit Report on Communication with Stakeholders, to reflect new legislation, pooling and Government department changes. The draft revised policy had been considered and endorsed by the Devon Pension Board at its meeting on 15th October 2018, and was attached at Appendix 1 to the Report.

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

RESOLVED that the revised Communications Policy, as detailed in Report CT/18/89 be approved.

* 84

Actuarial Valuation 2019

The Committee considered the Report of the County Treasurer (CT/18/90) on the proposed actuarial valuation of the Pension Fund due on 31 March 2019 and to be published on 31 March 2020 as part of a three-yearly cycle. The Valuation would set employer contribution levels for three financial years from 2020/21.

The Report summarised the proposed approach and timetable for the valuation, analysis of the review of the 2016 Valuation by the Government Actuary's Department (GAD) under Section 13 of the Public Sector Pensions Act and implications for the 2019 Valuation; and other actuarial issues. The GAD had given the Devon Fund 'green flags' on all measures assessed. The Report also considered changes to regulations whereby exit credits would be required where an employer exiting the Fund was deemed to be in surplus.

It was **MOVED** by Councillor L Parker Deaz-Ajete; **SECONDED** by J O'Dwyer and

RESOLVED

(a) that the planned approach to the 2019 triennial valuation of the Pension Fund be approved; and

(b) that the addition of a paragraph to the Funding Strategy Statement in relation to exit credits as set out in the Report be approved.

* 85

Investment Management Report

The Committee considered the Report of the County Treasurer (CT/18/91) on the Fund value

and asset allocation, performance against the benchmark, funding level, budget forecast monitoring and cash management, and engagement activity by the Fund's external investment managers.

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 September 2018 stood at £4,332.6 million, an increase of around £93 million over the quarter.

Members referred to consideration of additional training in relation to hedging, the level of any exposure to Flybe and noted that further information on engagement activity was available on request.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor R Edgell and

RESOLVED

(a) that the Investment Management Report be noted;

(b) that the minimum amount transferred from UK Passive to Global Passive be reduced to £10 million over the next quarter, with further sums to be transferred if the trigger points are hit, as agreed by the Committee in February 2018; and

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

* 86

Strategic Investment Review

The Committee considered the Report of the County Treasurer (CT/18/92) on the reallocation of equities in accordance with the current Investment Strategy Statement (set out at Appendix 1 of the Report) and a proposed updated review of the current Strategy last carried out in 2016/17 by Mercer Investment Consultants. This would enable full consideration of current thinking on risk management and enable the Fund to take a considered view of its medium to long term investment strategy, rather than reacting to short term events.

Members referred to the fee proposed for the Consultants. Any significant change would be reported to the Committee. They also discussed the nature of Companies categorised as low volatile.

It was **MOVED** by Councillor R Hosking, **SECONDED** by R Edgell and

RESOLVED

(a) that an initial £100 million be allocated to the Brunel Low Volatility Equities Portfolio, consistent with the medium-term target allocations set out in the Investment Strategy Statement; and

(b) that Mercer Investment Consultants be commissioned to carry out a refresh of the investment review carried out in 2016/17 for report to the February meeting of the Committee with proposals for revising the Investment Strategy Statement for 2019/20.

* 87

Applications for Admitted Body Status

The Committee noted the following application for admitted body status approved since the last meeting of the Committee: GemCare Southwest, a Plymouth based care provider taking over the social care reablement service for Plymouth City Council, replacing Human Support

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Group with effect from 03/12/2018. However, it was understood that GemCare had now withdrawn from the contract so would not require admitted body status.

* 88 **Dates of Future Meetings**

Friday, 22 February 2019, Friday, 28 June 2019, Friday, 13 September 2019, Friday, 15 November 2019, and Friday, 21 February 2020

* 89 **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.

* 90 **Pending Court Case**

(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/18/95) on an update on a fraud case that had involved irregularities in claiming an LGPS pension from the Devon Pension Fund.

* 91 **Independent Advisor Arrangements**

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

(Mr S Tyson (Independent Investment Advisor to the Committee) declared a disclosable pecuniary interest and left the meeting for the duration of this matter)

The Committee considered the Report of the County Treasurer (CT/18/93) on the impending resignation of the current Independent Investment Advisor, effective following the February 2019 meeting.

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

RESOLVED that a Panel comprising the Chair, Vice-Chair, Councillor Parker Deaz-Ajete and a nomination from the Union and Retired Members Group, meet with candidates put forward by MJ Hudson Allen bridge under the existing contract and the County Treasurer, in consultation with the Panel, be authorised to appoint an Independent Investment Advisor.

* 92 **Brunel Business Plan and Reserved Matters**

(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)

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The Committee considered the Report of the County Treasurer (CT/18/94) on the Brunel Pension Partnership's revised annual business plan, which was subject to the unanimous support of the shareholders via a special reserved matters request.

The Business Plan for 2019/20 has been discussed by the Brunel Oversight Board at its meeting on 1st November 2018 and was also presented at the engagement days for the committees and pension boards of the 10 participating LGPS funds. Members noted the lack of detail in respect of the proposed staffing within the proposed budget at their engagement event and which was now fully reported at this meeting.

The County Treasurer commented on the quality of planning by the Brunel Board for the level of staffing and impact on their pricing policy despite the advice from her and the other Section 151 Officers from the local authority partners which had been given at the early stages.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by D Healy and

RESOLVED

(a) that the Brunel Pension Partnership's Business Plan for 2019/20 be endorsed for approval by the County Treasurer under her delegated powers as the shareholder representative for Devon; and

(b) that the reserved matters request in relation to the Brunel Pricing Policy be noted.

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

The Meeting started at 10.30 am and finished at 12.31 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

22 November 2018

Present: -

Councillors S Randall-Johnson (Chair), J Berry, P Crabb, R Peart, S Russell, P Sanders, R Scott, J Trail, P Twiss, N Way, C Whitton and C Wright

Devon Councils

Councillor P Bialyk

Members attending in Accordance with Standing Order 25

Councillors Ackland, Greenslade and Leadbetter

Apologies: -

Councillors M Asvachin, A Connett, A Saywell and J Yabsley

* **86** **Minutes**

RESOLVED that the Minutes of the meeting held on 20 September 2018 be signed as a correct record.

87 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **88** **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Councillor D Cox (Teignbridge District Council) on a matter to be considered by the Committee, namely Modernising Health and Wellbeing Services in Teignmouth (Minute *92 refers). He expressed local and the Town Council's concerns about the proposal to close the Community Hospital and relocation of services and referred to the past support of the League of Friends and the deprivation in the local Ward.

The Chair responded, thanking the speaker for his attendance and presentation which would be considered by the Committee during its subsequent deliberations.

* **89** **Finance and Performance Mid-Year 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 Head of Adult Commissioning and Health (ACH/18/94) on how Adult Social Care in Devon County Council was performing regarding delivering its strategic objectives and performance targets within, the budget allocated to it, highlighting any significant variation from agreed plans. The Report covered the Adult Social Care Budget at month 6, the financial risks faced by the Service, the vision of the Service to 'Promoting Independence in Devon' which aligned with the Council's objectives with the desired outcomes and priorities agreed across health and care through the local Sustainability and Transformation Partnership, delivery of the strategic objectives and headline analysis in achieving the objectives.

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Members discussion points/comments with the Cabinet Lead for Adult Social Care and Health Services, the Chief Officer for Adult Care and Health and the Senior Manager - Strategic Commissioning Older People included:

- cost of care and work force pressures within the domiciliary care services in Devon and initiatives by the County Council with Health to encourage recruitment into the care and health services offering worthwhile and rewarding careers;
- IT initiatives and innovations to help support independent living and to drive efficiencies, through the Better Care Fund which could be the subject of a future Master Class or Briefing on a County Council meeting day open to all Members;
- the good quality of Devon's care providers as highlighted by the Care Quality Commission which could partially explain the low referral rates to the Devon Safeguarding Adult Board and which more research was being undertaken by the Service;
- cost pressures and demand with the working age adult physical and learning disability services; and
- unplanned admission into hospital rates, on which further information was requested for circulation to members.

The Committee also received the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity in so far as it related to a mid-year briefing on Public Health. The Report which covered the other functions in Environment and Prosperity would be considered by the Corporate, Infrastructure and Regulatory Scrutiny Committee on 27 November 2018.

* 90

Northern Devon Healthcare NHS Trust: Action Plan Care Quality Commission: Update

(Councillor Greenslade attended in accordance with Standing Order 25 (2) and spoke to this item asking for an update on the progress of the planned and current improvements)

D Allcorn (Northern Devon Healthcare NHS Trust (NDHT)) and S Tracey (Chief Executive of the RD&E Hospital Trust and the Northern Devon Health Trust) attended and spoke to this item at the invitation of the Committee.

The Committee received a briefing note from the Northern Devon Healthcare Trust on the context of the most recent CQC inspection of North Devon District Hospital, managed by Northern Devon Healthcare NHS Trust with support from the RD&E Hospital Trust, and covered the findings from the inspection, actions that were being taken and how improvements would be assured.

In response to Members' questions the representatives from the Trusts commented on:

- progress had been made in addressing previous concerns and now systems and processes needed more time to fully embed and progress needed to continue;
- actions in key areas were outlined relating to staff training, maternity services, oversight and audit and assessment of the end of life service, inpatients and waiting lists, and improvements in emergency care services;
- collaboration with the RD&E Trust in terms of leadership, sharing of staff and ability to offer greater opportunities in the recruitment and retention of specialist staff;
- the time required for cultural change with new leadership and the level of external scrutiny from NHS regulators;
- the planned and forecast deficit budgets to ensure delivery of the improvement plans;
- the inpatient surveys in helping assess the quality of services provided and use of patient experience volunteers in providing further 'soft' evidence of the patient views and quality of care; and
- no further service warning notices had been issued by the CQC and the normal inspection and reporting regime now operated with the next inspection expected in 2019.

The Chair thanked the representatives for their attendance and for the hard work of the NDHT staff in the continuing improved progress achieved for the communities of North Devon.

* 91

Winter Planning 2018-19

J Turl (Associate Director of Commissioning - Devon CCGs), Dr S Kerr (Clinical Chair, Eastern Locality, NEW Devon CCG), and J Harrison (Chief Operating Officer, South Devon and Torbay NHS Trust) attended and spoke to this item at the invitation of the Committee.

The Committee received a presentation prepared by the Associate Director of Commissioning, Devon CCGs and the Head of Adult Commissioning and Health (Devon County Council) on a joint single system winter plan 2018/2019 underpinned by individual locality plans and approved by the Devon A&E Delivery Board. The 2018-19 plans described how the Devon health and care system would operate over the winter.

The NHS representatives and the Senior Manager - Strategic Commissioning Older People (Devon County Council) responded to Members comments and questions relating to:

- high risk areas were identified according to recent performance notably in Plymouth and Torbay but across Devon as well and in terms of the availability of acute, intermediate and domiciliary beds;
- workforce, demand and capacity profiling, which ensured that the workforce was available across known busy periods;
- a shared approach to risk assessment and prioritisation
- management of flu, including learning from Devon Partnership Trust's successful frontline health care workers campaign;
- enhancing the role of the Integrated Urgent Care Service (including 111) to reduce demand in the emergency care system
- more timely repatriation of people from specialist services; and
- improved pathways into specialist mental health services;
- the 5.2% increase in ambulance activity compared to last year represented some 17,400 call outs, which was significant; and
- collaborative work between the Health and Adult Social Care (Devon County Council).

The Chair thanked the Officers for their informative presentation and asked for further information in relation to the County Council's road gritting network and access to GP surgeries and Community Hospitals.

* 92

Modernising Health and Wellbeing Services in Teignmouth

Dr S Manton, Joint Director ((Strategy) North, East and West (NEW) Devon CCG and South Devon and Torbay CCG), J Turner (Head of Commissioning South Devon and Torbay CCG), Dr C Karakusevic (GP Teignmouth) attended and spoke to this item at the invitation of the Committee)

The Committee considered the Report of the Director of Commissioning (South Devon and Torbay CCG) on the proposals to move to public consultation regarding re-locating community clinics from Teignmouth Community Hospital and co-locating the three GP practices in Teignmouth, alongside the health and wellbeing team and voluntary sector in a new build in Brunswick Street, Teignmouth.

The report outlined the patient and public engagement exercise undertaken, the rationale for the proposals building on the success of the model of care, the proposed formal consultation process and timescale. An eight-week consultation was planned to start in early 2019.

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The NHS representative and Assistant Director (Health and Social Care Management South Devon, Devon County Council) responded to Members' questions and/or commented:

- some specialist services would move to Dawlish within the same Locality with associated additional financing and resources and generally GPs in Teignmouth were supportive of the proposals;
- the details of the proposal would be included in the consultation process, following the public engagement which had already taken place;
- the environmental impact assessments of the proposals had been carried out and the CCG would communicate with Devon Highways about the implications;
- overall the revenue cost implications were neutral and there would be capital costs which formed part of the full business case; and
- the proposals represented an improved offer to the Coastal Locality.

Members' other views included:

- that it would be helpful to have a clearer description of the implications of the proposal for services in Dawlish -and it would be advisable to show how matters related to traffic, highways and air quality which had been discussed with the County Council;
- that a more complete description of the financial costs and benefits would strengthen the proposal; and
- that a description of how service continuity would be sustained during any changes made would strengthen the proposal and provide assurance.

The Committee understood that the intention was to consult upon a proposal rather than a range of options and to consult for 8 weeks (rather than 12 as was commonly done). In the light of these points the Committee would value assurance prior to the launch of consultation, that the NHS assurance process, overseen by NHS England, provided adequate justification of these two points.

Members noted the proposals and the outcome of the consultation would be reported to this Committee.

* 93

Risk Management Mid-Year Update 2018/19

The Committee considered the Report of the County Treasurer (CT/18/98) on an update of the Risk Management processes and this included revised reporting structures and timelines, and this had resulted in the compilation of a midyear update for this Scrutiny Committee.

As the process evolved, the aim was to work with Health to provide an updated report which coordinated both Council and Heath Risk Management Information.

The Report summarised the risk management position, the currently recorded risk position and the most significant risk related to the workforce, both in terms of sufficiency and staff development.

Members highlighted the Audit Masterclass that had taken place on 8 November 2018, where Councillors were provided with training on risk management as well as access to the risk management database.

Councillors Twiss, Scott and Wright would meet with Officers to test the prototype real time risk database.

* **94** **Better Care Fund Response to the Health and Adult Care Scrutiny**

(Councillor Ackland and Leadbetter attended in accordance with Standing Order 25 and spoke to this item).

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

The Committee received the report of the Head of Adult Commissioning and Health and the Director of Strategy, NEW Devon and South Devon and Torbay CCGs on a response to the recommendations in the June 2018 report of the Health and Adult Care Scrutiny Committee task group, "Better Care Through Integration?".

The NHS representatives and the Senior Manager - Strategic Commissioning Older People (Devon County Council) responded to Members comments and questions relating to:

- the Section 75 Agreement on pooled funding that underpinned the Better Care Fund; and
- the joint workshop with this Committee and the Health and Wellbeing Board on 13 December 2018 Members, which was likely to include exploratory conversations as part of any future ICS development.

The Committee thanked Councillor Ackland for her work on the Better Care Fund.

* **95** **Emerging Mental Health and Wellbeing Strategy - A Scrutiny Members Perspective**

The Committee considered the Report of the Health and Adult Care Scrutiny Committee (CSO/18/36) on a members' review, held on 11 October 2018, of the visions and priorities of the draft Mental Health and Wellbeing Strategy. In Phase 1 of the engagement programme, from 7 September 2018 to 8 October 2018, people across Devon had been invited to share their thoughts and feelings about the vision and priorities for mental health and wellbeing. The outcomes of this engagement process would inform the vision and priorities in the Mental Health and Wellbeing Strategy.

During discussion reference was made to delays in access and the availability of services; and the role of the voluntary sector.

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

RESOLVED

(a) that a 6-month performance update be presented to the June 2019 Committee to review progress in terms of the Mental Health and Wellbeing Strategy's implementation and delivery; and

(b) that as part of the update, officers include a detailed breakdown of the figures relating to access to services and waiting times.

* **96** **NHS in Devon Spotlight Review: Update**

(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 received and noted the Report of the Director of Strategy (NEW Devon CCG and South Devon and Torbay CCG) and the Head of Adult Commissioning and Health, Devon County Council (ACH/18/97) on an update on activities and progress against the recommendations in the NHS Inquiry Spotlight Review (CS/18/05) which had been presented

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to this Committee on 25 January 2018. The Spotlight Review had described three ambitions with ten specific recommendations across these ambitions. This Report provided an update against each recommendation.

* 97 **Rapid Response Spotlight Review**

The Committee considered the Report of the Spotlight Review which covered:

- how the Rapid Response system should work and how it was working;
- a survey among GPs in Devon to ascertain if the concerns raised were typical of other primary care practitioners; and
- identification of pressure points in the system and what action might be taken to ameliorate them.

The Chair of the Review highlighted the increased national profile of the Rapid Response service given the Government plans announced that morning.

NHS Rapid Response teams were on call 24/7 to help elderly patients who fell or suffered infections to help keep people out of hospital.

It was **MOVED** by Councillor Scott, **SECONDED** by Councillor Russell and

RESOLVED that the Spotlight Review be welcomed, and the recommendations be commended to the Cabinet, subject to minor revisions to the wording and deletion of recommendation 2.4 and substitution thereof with:

That consideration be given to provide a comprehensive description of the amount and type of community health and social care required at a local level.

* 98 **Work Programme**

The Committee noted the current Work Programme and

RESOLVED that the current outline Work Programme be noted subject to inclusion of the following topics (arising from this meeting) for future consideration:

- (a) LGA Green Paper for Adult Social Care and Wellbeing;
- (b) Using Technology and Digitally Connected Care and Support; and
- (c) further visits to Health and Adult Social Care settings.

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

* 99 **Information Previously Circulated**

The Committee noted the list of information previously circulated for Members, since the last meeting, which related to topical developments which have been or are currently being considered by this Scrutiny Committee:

(a) Response to Better Care Fund Task Group Report from the Minister of State for Care - Health & Adult Care Scrutiny Committee;

(b) Update on GP Services in Hatherleigh and Shebbear - Health & Adult Care Scrutiny Committee;

(c) Briefing on the outcomes of a procurement exercise to secure new NHS orthodontics

providers across Devon, Cornwall and Somerset from next spring;

(d) Digital Minor Illness Referral Service Pilot Devon - Health & Adult Care Scrutiny Committee: covering letter and briefing paper outlining a pilot supported by the Pharmacy Integration Fund which was due to begin in Devon on 8 October and run until 31 March 2019; and

(e) Issue of *Health and Care Insights* from Torbay and South Devon NHS Foundation Trust.

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

The Meeting started at 2.15 pm and finished at 5.48 pm

