

*County Council
Thursday, 21st February, 2019*

NOTES FOR VISITORS

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

SatNav – Postcode EX2 4QD

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Access to County Hall and Public Transport Links

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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).

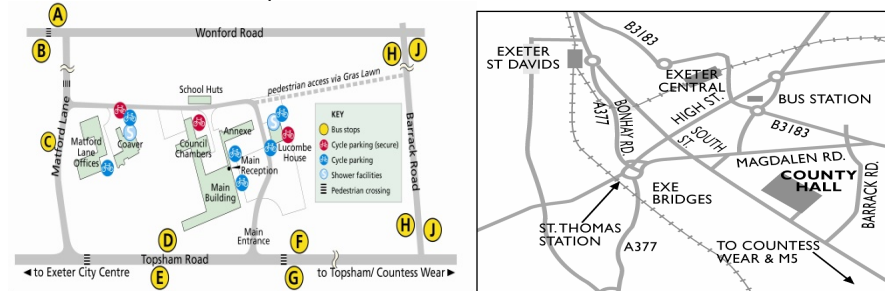
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NB **A** **J** Denotes bus stops

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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.

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



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

13 February 2019

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 21st February, 2019 at 2.15 pm.

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

Chief Executive

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

AGENDA

1 Apologies for Absence

2 Minutes (Pages 1 - 14)

To approve as a correct record and sign the minutes of the meeting held on 6 December 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 DECISIONS

8 Revenue Budget 2019/2020, Medium Term Financial Strategy & Capital Programme 2019/2020 to 2023/2024

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2019/20 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://new.devon.gov.uk/impact/budget-2019-2020>

(b) To receive and approve the Report of the County Treasurer (CT/19/6) together with the Minutes of the Cabinet held on 15th February 2019 relating to the budget and the Minutes of the Corporate Infrastructure and Regulatory Services Committee, containing all Scrutiny Budget Resolutions from 29th January 2019, attached.

The Report of the County Treasurer and Cabinet Minutes will follow and the minutes can be viewed [here](#) shortly.

- a Children's Scrutiny Committee (Budget Meeting) - 21 January 2019 (Pages 15 - 20)
- b Health and Adult Care Scrutiny Committee (Budget Meeting) - 24 January 2019 (Pages 21 - 26)
- c Corporate Infrastructure and Regulatory Services Scrutiny Committee (Budget Meeting) - 29 January 2019 (Pages 27 - 32)

9 Heart of the South West - Local Industrial Strategy (Pages 33 - 46)

To receive and approve the Report of the Chief Executive (CX/18/1) with proposals for the Governance arrangements relating to the Local Industrial Strategy, together with the [Minute 265 \(a-e\)](#) of the Cabinet held on 12 December 2018.

The Report is attached.

10 Pay Policy Statement 2019/2020

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments and Remuneration Committee (15 January 2019) (Minute 47), attached and can be viewed [here](#).

OTHER MATTERS

11 Cabinet Member Reports

To consider reports from Cabinet Members.

12 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Appeals Committee - 7 January 2019 (Pages 47 - 48)
- b Appointments and Remuneration Committee - 15 January 2019 (Pages 49 - 56)
- c Appointments and Remuneration Committee - 15 February 2019

The minutes will be published [here](#) shortly.
- d Development Management Committee - 30 January 2019 (Pages 57 - 58)
- e Procedures Committee - 6 February 2019 (Pages 59 - 62)
- f Children's Scrutiny Committee (Ordinary Meeting) - 21 January 2019 (Pages 63 - 66)
- g Health and Adult Care Scrutiny Committee (ordinary meeting) - 24 January 2019
Pages 67 - 72)
- h Corporate Infrastructure and Regulatory Services Scrutiny Committee (Ordinary Meeting) - 29 January 2019 (Pages 73 - 76)

NOTICES OF MOTION

13 Devon County Council and Fracking (Minute 159 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely;

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 by-pass 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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that the Committee on Climate Change will advise government on a revised 'net-zero' carbon emissions target. Government will then need to consider the contribution that shale gas can make to meeting that target. It is therefore recommended that as there is no government consultation on extending permitted development rights for 'fracking' it is not necessary to write to the Secretary of State on this matter.

14 British Sign Language (Minute 160 of 6 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 290(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Dewhirst and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that the County Council writes to the BBC and ITV in support of a campaign for Spotlight South West and West Country News to be signed in BSL and that the Council asks other partners and stakeholders such as the Police, NHS and voluntary sector to join in support of the Deaf Community in taking this action.

15 Devon's Housing Need / CPRE Reports (Minute 161 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that whilst the County Council recognises and welcomes the engagement of the CPRE in the planning process it is also recognises that the local planning authorities are required to comply with the government requirements in setting housing numbers in local plans and ensuring housing delivery. The County Council's role is to ensure the necessary infrastructure is planned for and in this role it is considered that it is not necessary for DCC to commission work on the CPRE reports.

16 The Impact of Brexit to Devon's Economy (Minute 162 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that the Council be recommended to endorse the work being carried out to support Devon residents and businesses through the Brexit period, to help understand and minimise the impacts where possible and take advantage of opportunities. The Council will continue to work with businesses during the transition period and beyond to support our local economy, including working with district colleagues and the HotSW LEP.

17 Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee (Minute 163 of 6 December 2018)

To receive and consider the recommendations of the Procedures Committee (Minute 57) to address the Notice of Motion submitted previously to the Council by Councillor Biederman and referred thereto in accordance with Standing Order 8(2), namely:

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.*

Having had regard to the factual briefing statement on the matter set out in Report (CSO/19/3) and other suggestions or alternatives considered at that meeting the Procedures Committee subsequently **RESOLVED** to support the Motion in terms of the emphasis on transparency and open democracy and recommends to the Council;

(a) that group leaders and whips be asked to consider the matter of representation and terms of appointment on the Committee when those allocations and appointments are reviewed prior to the Annual Council Meeting in May 2019; and

(b) that the issues of public participation at, and webcasting of, the LEP Scrutiny Committee meetings be raised as part of the evaluation of the operation of the Committee in Autumn 2019, highlighting that Devon supports both processes being introduced, notwithstanding any changes to the terms of reference will need to be agreed by both the Procedures Committee and subsequently all Constituent Authorities.

18 Fair and Adequate Funding to Local Authorities (Minute 164 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(e)) 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

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that Council be asked to agree with the rapporteur’s findings and makes use of the UN report to underline and intensify the ongoing campaigning work described in this note for fair and adequate funding to meet local people’s needs in Devon.

19 Devon and Cornwall Police Funding (Minute 165 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that it be recommended that the Council writes to Devon’s Members of Parliament, thanking them for the increased precept but highlight the new challenges and rising demand which are putting the Devon and Cornwall Police under stress and urges MPs to support the introduction of a fair funding formula which takes account of all the demands on Police Forces nationally.

20 Climate Change (Minute 166 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely:

Full Council notes:

- 1. 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;*
- 2. 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[i];*
- 3. 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;*
- 4. Carbon emissions result from both production and consumption;*
- 5. 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;*
- 6. 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;[ii]*
- 7. 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;[iii]*
- 8. Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.[iv]*

Full Council believes that:

- 1. 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;*

2. *Local Authorities are uniquely placed to lead the world in reducing carbon emissions;*[\[v\]](#)
3. *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,*
4. *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);*[\[vi\]](#)
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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved (a) that the Council reaffirms its recognition of the scale and urgency of the global challenge from climate change, as documented by the latest Special Report of the Intergovernmental Panel on Climate Change, and declares a climate emergency; and (b) mandates the Environmental Performance Board to review and recommend what further corporate approaches can be taken through the DCC Climate Change Strategy and Corporate Energy Policy and to facilitate stronger Devon-wide action through collaboration at a strategic, community and individual level.

21 Public Health

Councillor Connett to move:

Devon County Council notes:

- *the vital role played by Public Health in helping Devon residents to lead healthier lives by, for example, avoiding diseases, unwanted pregnancies, support to stop smoking, and eating better;*
- *with grave concern the announcement of a further £85m cut to the Public Health Budget, as one of 12 Ministerial statements published by the Government on the last day of the Parliamentary term before Christmas, only weeks after the Secretary of State for Health described prevention as his priority; and*
- *this is on top of cuts to the Public Health budget announced since Summer 2015, now totalling just over £600 million.*

This Council meeting further notes:

- *the comments of the Health Foundation, who described these cuts as a false economy and who have calculated that an additional £3bn a year is required to reverse the impact of government cuts to the Public Health grant to date and have called for this increased budget to be allocated according to need; and*
- *the warnings from the King's Fund that such cuts could put pressure on councils to cut non-statutory sexual health prevention services, which could lead to more sexually transmitted infections and unplanned pregnancies.*
- *This Council believes that our Public Health team perform vital work to help keep the residents of Devon healthy and to avoid more costly admissions to hospital and other interventions by our NHS and that this should be properly funded by central Government.*

This Council meeting resolves to:

- *thank our Director of Public Health and her team for the great work they do across Devon despite continued financial challenges;*
- *condemn the Government's use of the time just before Christmas to make announcements such as this;*
- *call on the Leader of the Council and the Cabinet Member to consider carefully the required cuts to services will be implemented; and*
- *ask the Leader and Chief Executive to write to the Secretary of State for Health, calling on the Government to deliver increased investment in Public Health and to support a sustainable health and social care system by taking a "prevention first" approach*

22 Boniface Patron Saint of Devon

Councillor Way to move:

There is increasing interest in Crediton-born Winfrith, who became Saint Boniface, being recognised as Patron Saint of Devon. The Boniface Link Association is a secular organisation campaigning for the adoption of Boniface as Patron Saint of Devon. With links to Fulda in Germany and Dokkum in Holland, this initiative has gained letters of support from many churches and prominent civic figures from across the county.

Devon's most famous native-born saint, Boniface was born in the Crediton area circa 680AD. He is highly regarded for his missionary work across a large part of Europe. A significant historical figure he is often referred to as the First European. He studied at the monastery at Exeter, then at the monastery at Nursling, near Southampton.

In 716 he set sail to convert the tribes in Frisia (now Friesland) in the Netherlands to Christianity. Subsequent work in Frisia and Hesse gave him a reputation as an outstanding missionary and administrator. In 722, Pope Gregory made him Bishop of all Germany East of the Rhine. Much of his later work laid the foundations of Charlemagne's Holy Roman Empire 50 years later. In 754 he was martyred at Dokkum and buried at Fulda in Hesse.

The national shine to Boniface is at the Roman Catholic church at Crediton and the many references to him in Crediton's Parish church attract visitors to the town. A blue plaque can be seen at Tolleys, Crediton traditionally regarded as his birth place. An impressive statue of St Boniface is located at Newcombes Meadow.

Proud of Devon's heritage and recognising Boniface as a significant historic figure this Council supports the initiative to adopt Saint Boniface as Patron Saint of Devon.

23 Parental Leave Policies and Councillors

Councillor Atkinson to move:

This Council notes:

- *That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017.*
- *That across England, Labour has improved its representation of women, with 45% women compared with 40% in 2014, and the Liberal Democrat's representation is up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;*
- *That as of the 2017 DCC elections, only 18 out of 60 county councillors are women. Only three women were under 45 years of age*
- *As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;*
- *That the role of a councillor should be open to all, regardless of their age or background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to have more children to remain as councillors;*

- *That parental leave must apply to parents regardless of their gender, and that it should also cover adoption and fostering leave to support those who choose to adopt and foster.*
- *As there are County Council elections in 2021 the Council needs to review its policies with a view to encouraging prospective people who may be interested in standing for the County with a view to improving a wider range of people of younger age and gender to better reflect the Devon Community*

This Council resolves:

- *To refer to the Procedures Committee this motion to consider whether to recommend the adoption of the attached parental leave policy (see below) to give all councillors an entitlement to parental leave after giving birth or adopting and fostering;*
- *To ensure that councillors with children and other caring commitments are supported as appropriate;*

Parental Leave Policy for Councils

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as Councillors, and has been the subject of lengthy debate. Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or fostering/adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

Minutes of the Cabinet, Health & Wellbeing Board and Devon Pension Board do not form part of this agenda but can be accessed as follows

Cabinet-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>

Health & Wellbeing Board-

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

Devon Pension Board-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=185&Year=0>

Access to Information

Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but links are provided for convenient reference.

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website and can be accessed via the Modern.Gov App, available from all the usual stores.

Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Questions from Councillors

A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place.

Public Participation

Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place. The name of the person asking the question will be recorded in the minutes.

Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon 4 working days before the meeting takes place. The name of the person making the representation will be recorded in the minutes.

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

Webcasting, Recording or Reporting of Meetings and Proceedings

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

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

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

Emergencies

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.

Mobile Phones

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

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



Induction loop system available

COUNCIL

6 December 2018

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Brook, C Channon, I Chubb, J Clatworthy, A Connett, P Crabb, A Davis, A Dewhurst, A Eastman, R Edgell, R Gilbert, B Greenslade, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, R Radford, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors P Colthorpe, R Croad, G Gribble, I Hall, G Hook, J Hook and C Slade

149 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 4 October be signed as a correct record.

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

150 Announcements

The Chair of the Council reported on the signing of the Armed Forces Covenant Employers recognition scheme, which was particularly poignant in that 2018 marked a significant year in Devon's remembrance. The Armed Forces Covenant was 'a promise from the nation ensuring that those who were serving and / or who had served, and their families, were treated fairly. The Council would also work towards achieving the Defence Employer Recognition Scheme Gold status.

The Leader of the Council and Lt Col Jon Penhale from 6 Rifles signed the covenant.

The Chair also reminded Members to view the exhibitions in the Ante-Chamber relating to Devon Remembers and also the Vote 100.

The Devon Remembers display focused on Food, Farming and Fishing in Devon during the First World War, a unique snapshot of the impact of the onset of the First World War on local agriculture and farms.

The Vote 100 exhibition included a Candidates photography exhibition of women who stood for election in 2017, a Polling Station, information about the 1918 vote and opportunity to debate and vote on issues of today, a timeline of women elected as Devon Councillors and MPs, and information about the suffrage campaign.

151 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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152 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Mr and Mrs Naybour, with a petition containing approximately 100 signatures relating to speeding and speed limits in Grenofen.

The Leader indicated that the relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioner 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 Members of the School Council from the Exeter Deaf Academy on the issues raised by the Notice of Motion on British Sign Language, later in the agenda, particularly highlighting good communication and inclusion by both the BBC and ITV for news programmes to be signed in British Sign Language.

Further oral representations were made by Anthea Simmons, Peter Sturdgess and Julian Andrews who spoke on the issues raised by the Notice of Motion in relation to Brexit, the aerospace industry and the importance of a Peoples Vote.

The Chair thanked all the public speakers for their contributions.

[NB: The representations may be observed through the webcast of this meeting – available for 12 months after the meeting]

153 Petitions from Members of the Council

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

154 Questions from Members of the Council

(Councillor Greenslade declared a personal interest in this matter by virtue of being a Member of North Devon District Council)

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 10 questions submitted by Members of the Council relating to activities on County Estates Farms and tenancy agreements, staff pay scales and the living wage, drains, gullies and the policy for maintenance, school budgets and availability of additional funding, early and positive intervention in relation to children's services as preventative measures for their futures, overpayments of carer's allowances, recovery of monies and the scale of over payments in this area, resilience testing on key supplies and services for the County post Brexit, the tower block at the Barnstaple Civic Centre, breakdowns of numbers of gagging agreements / clauses over the last five years, victims of child sexual exploitation and parental rights.

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 – see Notes below]

155 Cabinet Member Reports

(Councillor Greenslade declared a personal interest in this matter by virtue of being a Non-Executive Director of Exeter Airport).

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

(a) Policy, Corporate and Asset Management

Councillor Hart commented, as requested by Councillor Hannaford on the Business Rates Retention Pilot, including an update on bids and projects.

The Leader highlighted that the pilot, on updated estimates, estimated a financial benefit of £16.6 millions to the Council, although the authority made a contribution of £5 million to the Business Rates Risk Reserve to cover any potential collection fund deficits arising in 2019/20 with the remaining £11.6 millions be made available to service areas to submit requests for investment, using criteria such as supporting the sustainability of Social Care Services, grow or protect the Business rates base and / or result in revenue savings.

The total value of requests were £25.5 millions.

However, at the same time the Council was faced with increasing pressures in Children Services around placements and market sufficiency and a decision taken to apply the fund to support the future management of these pressures, with invest to save initiatives, for example to support Edge of Care, Crisis Care, Troubled Families, the Devon Inclusion Project and fixing the system for Children in Care Placements.

He circulated information, again as requested by Councillor Hannaford on autumn budget implications for regional military capacity, the 'Sunset for the Royal Marines' campaign, progress to secure contracts at Devonport Shipyard to decommission nuclear vessels and possible Brexit implications for the regional private sector defence industry, highlighting that the defence sector was a very important part of Devon's economy. The bases provided jobs both directly and in their civilian supply chains. Defence manufacturing was also a major employment sector and recent modelling suggested the sector accounted for up to 26,000 jobs across The Heart of South West LEP area.

Devonport Naval base directly accounted for 10% of employment in Plymouth.

The Leader made reference to the Chancellors announcement of a £1 billion uplift to the Ministry of Defence in his Autumn Budget, in addition to the £600m already allocated to the MOD for 2018/19 earlier this summer, together with approximately half of the additional £800m allocated for 2019/20, would be used to pay for Dreadnought costs running above previously budgeted levels.

The Ministry of Defence said in January 2018 that it still intended to close RMB Chivenor by 2027, but had provided few details on the exact plans or timetable.

Plymouth had secured the future of the amphibious ships and the type 26 frigates would be base-ported in Plymouth. The future location of the marines was uncertain, pending the modernising defence programme. Plymouth was the only site in the UK to decommission nuclear vessels and it could not be done anywhere else.

The key issues around Brexit were sovereign capability which had recently been illustrated by Barden and the announcement by the German parent company to leave as a result of Brexit. However, the Council was working with other partners in the Heart of the South West through

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the Brexit Resilience and Opportunities Group to consider what impacts that Brexit might have across the local economy.

He circulated a Report, as requested by Councillor Atkinson on the steps taken by the Council to support the DWP, JobCentrePlus, Devon's District Councils, Devon Citizens Advice and other organisations in providing advice and support to claimants as Universal Credit. This included steps taken to identify vulnerable claimants, those that would suffer hardship as a result of delay as well as any children affected. The Leader highlighted that examples of the Council's support were listed in the County Solicitor's Notices of Motion Report (CSO/18/25) to the Cabinet on 12 September 2018 and also that the Council was playing its part through support and coordination as the situation developed, for example liaison with the District Councils and Citizens Advice Devon to assist a smooth transition of support for new claimants from April 2019. In addition, positive partnership relationships had also been developed by County Council services whose clients were likely to be affected by Universal Credit such as Children's Centres. Whilst the likely impacts of Universal Credit were understood, it was difficult to quantify the numbers who would find it difficult to make a claim or suffer hardship as a result of receiving their benefit monthly in arrears. However, the support from the County Council would be reviewed as information emerged.

He also responded to questions on the reported difficulties with assessments, the potential to establish a poverty commission, bidding for a second business rates retention pilot and council tax support schemes.

(b) Economy and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford on the current position with Appledore Shipyard including possible closure, future business and any ongoing community and parliamentary activity. The Cabinet Member for Economy and Skills highlighted that Babcock had taken the decision to exit operations at its Appledore facility. 199 people were currently employed at the site, with a significant number of these currently on short-term redeployment to Babcock's Devonport site. Babcock outlined its intention to offer all staff members an opportunity to transfer permanently to Devonport, although details of the offer were awaited.

The Cabinet Member said there was still a concern about the implications of the closure for the Torridge area more widely.

Officers had been working closely with a broad array of local partners to prepare for next steps. This included highlighting concerns on the future of the site to Babcock and wider stakeholders, support for ensuring the optimum outcome for employees, outlining the potentially significant economic impact that Babcock closure may have on the wider economy of Torridge and, as far as practicable, indicating the Council's strong support for the retention of skilled shipbuilding and marine sector jobs in the Torridge area. The Council's Economic Development Officers were due to meet key regional partners for a working group session on 13 December 2018 and the authority had engaged with local MPs over recent weeks.

He also responded in writing to Councillor Shaw on the Council's efforts to save air services provided by Flybe, highlighting that the Council was currently working closely with partners around ongoing developments at Flybe Ltd / Exeter Airport. The airport was a crucial asset for the County, supporting employment of around 1,800 skilled individuals and contribution of around £150m of GVA to the local economy.

Partners had collectively written to the Chief Executive to express collective support for the company's activity. This included an open offer to explore additional projects linked to the company's Training Academy and discussion of potential opportunities for joint working. Whilst decisions around Flybe and its services would ultimately be for the Company and its Board, Flybe had provided significant reassurance around the health of the business and its commitment to the airport over recent weeks.

(c) Infrastructure Development and Waste

Councillor Davis circulated a Report, as requested by Councillor Connett, on the provision of the planned all-through school at South West Exeter, including land ownership and when the school was expected to open.

The proposal was being delivered through the Governments Free School Programme, not directly by the Council, but officers were working with the Department and the school sponsor, (Ted Wragg Multi Academy Trust). The Cabinet Member advised there was not a confirmed opening date as yet.

The responsibility for securing the free school site sat with a Government-owned property company called LocatEd and again Officers were working closely with them and they recently confirmed that contracts had been signed although the land was not yet in their ownership.

(d) Highways Management

Councillor Hughes commented, as requested by Councillor Connett, on repairs to Kingsford Lane, Holcombe Burnell, the resurfacing on the A379 at Kenton, including Exeter Hill and the use of Mamhead Road and Hill by HGVs and coaches, advising that the Neighbourhood Highway Officer had been in touch regarding the Kingsford Lane repairs.

The Cabinet Member confirmed that the resurfacing of the A379 at Kenton was scheduled for the 1st week in March, and in the week prior to the resurfacing, drainage works would be undertaken.

With regard to Mamhead Road, the Cabinet Member said that engineers had concluded the investigations and that additional signs indicating "light vehicles only" had been erected.

He was also asked to Report on the number of recorded road traffic accidents on the roads of the new Devon area, the administrative area of the Council, in 2018 to date, fatalities resulting from these accidents, the same information for the period of 2017 and 2013 and the total length of time that the M5 in Devon, the A38, the A380, the A30, the A361 roads in Devon had been closed due to road traffic accidents during 2018 to date. In light of the volume of data requested, the Cabinet Member undertook to get a written response to Councillor Greenslade.

He also responded to questions on the role of HATOCs in relation to road safety, the first steps to implement resident parking schemes and also the road safety strategy of the Police and Crime Commissioner.

(e) Adult Social Care and Health Services

Councillor Leadbetter was asked to Report by Councillor Greenslade on the developments and changes that had resulted from the Cabinet decision to implement Integrated Care Management.

The Cabinet Member reported that he would write to Councillor Greenslade on the detail requested.

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156 Minutes

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

Appeals Committee	-	8 October, 5 November and 3 December 2018
Procedures Committee	-	7 November 2018
Audit Committee	-	8 November 2018
Standards Committee	-	12 November 2018
Public Rights of Way Committee	-	15 November 2018
Investment & Pension Fund Committee	-	16 November 2018
Development Management Committee	-	28 November 2018
Health & Adult Care Scrutiny	-	22 November 2018
Children's Scrutiny	-	26 November 2018
Corporate Infrastructure & Regulatory Services Scrutiny	-	27 November 2018

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

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

Pursuant to County Council Minute 147 of 4 October 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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;*
- 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.*

and having had regard to the advice of the Cabinet (the amendment) as set out in Minute 255(a) of 14 November 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and 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 and therefore the proposal to create a new force incorporating Cornwall, Devon and Dorset would not progress, that no further action should be taken on the Notice of Motion.

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.

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

Pursuant to County Council Minute 148 of 4 October 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hannaford that,

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.

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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.

and having had regard to the advice of the Cabinet set out in Minute 255(b) of 12 November 2018:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that Notice of Motion be accepted and the Council 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.

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.

159 Devon County Council and Fracking

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

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

Councillor Hodgson then **MOVED** and Councillor Biederman **SECONDED**

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 by-pass 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.*

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

160 British Sign Language

Councillor Dewhirst **MOVED** and Councillor Connett **SECONDED**;

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.

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

161 Devon's Housing Need

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

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.

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

162 Brexit Referendum and Economic Impacts

Councillor Shaw **MOVED** and Councillor Biederman **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting.

Councillor Brennan then **MOVED** and Councillor Hannaford **SECONDED** that, in accordance with Standing Order 32, the vote on debating the motion at the meeting shall be by a roll call vote.

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

The Motion to debate the Notice of Motion at the Council meeting was put to the vote and also declared **LOST**.

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Councillor Shaw then **MOVED** and Councillor Biederman **SECONDED** that:

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.

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

(In accordance with Standing Order 32(4) Councillors Ackland, Atkinson, Asvachin, Aves, Brazil, Brennan, Connett, Dewhirst, Hannaford, Hodgson, Shaw, Way and Whitton asked that their vote in support of debating the Notice of Motion at the meeting be recorded).

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

Councillor Biederman **MOVED** and Councillor Shaw **SECONDED** that:

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.*

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

164 Fair and Adequate Funding to Local Authorities

Councillor Atkinson **MOVED** and Councillor Aves **SECONDED** that:

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.

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

165 Devon and Cornwall Police Funding

Councillor Atkinson **MOVED** and Councillor Hannaford **SECONDED** that:

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.

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

166 Declare a Climate Emergency

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting

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

Councillor Hodgson then **MOVED** and Councillor Shaw **SECONDED** that:

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;

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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.*

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

(In accordance with Standing Order 32(4) Councillors Ackland, Asvachin, Atkinson, Aves, Brennan, Dewhirst, Hannaford, Hodgson, Shaw and Whitton asked that their vote for the Motion to be debated at the Council meeting be recorded).

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Rev Grandey.

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 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 4.27 pm

CHILDREN'S SCRUTINY COMMITTEE

21 January 2019

Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, J Brazil, E Brennan, I Chubb, G Gribble, L Hellyer, R Hosking, J Mathews, A Saywell and M Squires

Apologies:-

Councillors C Channon, J Hawkins, T Inch and C Mabin

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 92

Minutes

RESOLVED that the minutes of the Children's Scrutiny Committee meeting held on 26 November 2018 be signed as a correct record.

* 93

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 94

Public Participation

There were no oral representations received at the meeting from a member of the public.

* 95

Budget 2019/20

Revenue Budget 2019/20 and Capital Programme for 2019/20 to 2023/24.

The Committee noted that the proposed budget for the 2019/20 financial year would be scrutinised by individual Scrutiny Committees, according to the remit set out in the Constitution.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee would present any relevant resolutions and an overview of those issues arising to the Corporate Infrastructure and Regulatory Services Committee. This Committee would also consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny would be reported to Cabinet and Council.

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the Corporate Infrastructure and Regulatory Services Committee for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the joint report of the County Treasurer and the Chief Officer for Children's Services (CT/19/02) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for each service area which included inflation, commitment and

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service prioritisation reductions. The Report also detailed the proposed medium-term capital programme for the Children's Service and how it was funded.

The Cabinet, at its meeting of 12th December 2018, had set Revenue Budget targets for 2019/20 which totalled £493.850 millions. The targets incorporated inflation and pressures and income initiatives and savings required to set a budget within reduced funding levels provided by Government in the recent provisional financial settlement. This included funding for budget pressures of £33.353 millions that mainly related to additional expenditure to allow for service growth to cater for demographic changes such as increased children and adult service users and unavoidable cost pressures. Savings and income initiatives of £13.398 millions were required to set a balanced budget. The target for Adult Care and Health also included £5.045 millions in relation to the One-off Improved Better Care Fund grant announced by the Chancellor in March 2017.

The Chancellor of the Exchequer presented the Budget to the House of Commons on the 29th October 2018; a month earlier than last year. The Budget contained additional funding for Local Government in both 2018/19 and 2019/20. The additional funding for the current year, 2018/19, was of a Capital nature and was set out in the Report. For 2019/20 the Chancellor announced an additional £650 millions of Revenue funding for Adult and Children's Social Care. £410 millions was for a Social Care Support Grant that was being given in response to concerns nationally of pressures in Social Care, including Children's. The remaining £240 millions was a Winter Pressures Grant and would need to be pooled into the Better Care Fund but was specifically for Councils to spend on Adult Social Care.

The Provisional Local Government Settlement for 2019/20 was announced on 13th December, a week later than originally scheduled due to the ongoing Brexit debates. 2019/20 was the final year of the four-year settlement and the core funding Provisional settlement of £101.5 millions was as expected. As the authority was a 100% Business Rates Pilot in 2018/19 a direct comparison of the Council's core funding was more difficult but on a like for like basis the 2019/20 Provisional Settlement represented a reduction, in cash terms, of £13.5 millions or 11.7%.

The provisional settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19.

The Adult Social Care Precept regulations remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Members recalled that Government changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 as long as the total increase over the three years did not exceed 6%. The Council increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

In the summer the Government had invited Local Authorities to apply to become 75% Business Rate Pilots. It was hoped that the 2018/19 100% Pilots would continue into 2019/20 but this was not the case. As part of the Provisional Settlement the Government announced which applications had been successful for 75% Pilot, but Devon had not been selected.

The Committee were reminded that its consideration of the draft Children's Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 15 February 2019 formulating a budget for consideration by the County Council on 21 February 2019.

The Chief Officer and Heads of Service, commented on the likely implications of the 2019/20 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands.

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The Leadership Group commentary in the Report referred to the turbulent financial climate for Local Government and the importance of getting the best value from every pound raised locally and ensuring investment went to the point of need. This included working with partners and being innovative, flexible and creative including the adoption of the digital agenda.

The Report also contained the detailed budget proposals for Children's Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Children's Services base budget was £135.153 millions (an increase of 9.4% from 2018/19) and included inflation and pressures of £13.229 millions and required savings and income initiatives of £1.645 millions.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report now before the Committee referred to the Budget 2019/20 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/budget-2019-2020>) for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may need to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following:

- Children's Social Care and the sufficiency of appropriate placements for children in care both locally and nationally, particularly meeting the needs of children with complex needs;
- the number of Looked After Children had increased in 2018/19 with substantial cost increases, particularly for residential placements; resulting in an additional £8.2 millions in the 2019/20 budget for inflation and demand pressure;
- an additional £1 million provided for foster carer allowances;
- the use of the Business Rate Retention Scheme funding for innovation and early help;
- an increase in the Dedicated Schools Grant (DSG) of £10.2 millions within the schools and early year settings, due to the rise in pupil numbers within schools and additional funding for high needs identified by the Education Secretary in December 2018;
- however, Members noted this equated to a minor increase of £10 per pupil with Devon's pupils still £294 worse off than the national average; equivalent to £26.8millions;
- significant cost pressures within the DSG relating to the High Needs Service, due to an increase in demand and a rise in the number of students remaining in post 16 education and the associated costs of educating pupils with complex needs;
- schools balances reducing – within Devon's maintained schools net balances expected to decrease compared to the 2017/18 position. In the past 12 months Devon schools had lost approximately 500 teachers and support staff in order to balance budgets;
- pressure on placements at special schools across the County and the need to invest in both specialist and mainstream provision; the Committee welcomed the two new Special Schools being built in Newton Abbot and Tiverton;
- the need to invest in the recruitment and retention of teachers in Devon; and

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- the Council investing in Independent Travel Training for young people, and a lack of market sufficiency in school transport due to less providers being available which had led to an increase in costs of contracts.

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

RESOLVED

- (a) that the Committee continues to be concerned about the potential overspend of the Children's budget, noting with concern the estimated future cost to the authority due to demographic pressure and increases in demand. The Committee recognises the robust planning undertaken by the Service to address needs led budgets but still places these concerns on record to the Cabinet;
- (b) that the Committee supports the proposed 1% Social Care Precept;
- (c) that the Committee welcomes and supports the commitment to invest business rates retention pilot scheme monies, once approved, into Children's Services including for Edge of Care and Crisis Care, with an expectation of innovative invest to save initiatives;
- (d) that the Committee welcome the additional investment of:
 - i. £8.2 millions in the 2019/20 budget for Looked After Children;
 - ii. £1 million additional funding to support the Scrutiny recommendation on changes to Foster Care Allowances; and
 - iii. the planned investment of £2 millions in service improvement and development.
- (e) that the Committee places on record it's support for the Council's flexible and adaptable approach moving to direct delivery of the following services:
 - i. Residential Short Breaks;
 - ii. Rehabilitation Officers for the Visually Impaired Children's Services;
 - iii. Public Health Nursing; and
 - iv. Portage.
- (f) that the Committee welcomes the endeavours undertaken by this Council to achieve fairer funding for children in schools across Devon and the additional £10.2million increase to the Dedicated Schools Grant. However, this Committee highlights the reality that this is mainly due to an increase in pupil numbers and in real terms will only be an additional £10 per pupil and is still a **shortfall of £294 compared to the national average** funding for each pupil, specifically recommending:
 - i. the Committee remains very concerned about the investment in Devon's Children and strongly ask the Cabinet to continue to pursue this matter until funding for education is needs led and equitable with other similar local authorities; and
 - ii. the Committee encourages consideration of how parents and schools' voices' can be recognised and supported on these issues, including sharing information (e.g. a factsheet).
- (g) that the Committee requests that Cabinet continue to press Government for investment in SEND support; whilst commending the work in increasing specialist provision as well as the success in developing two new special schools in Tiverton and Newton Abbot; and,
- (h) that consideration be given to a co-ordinated approach to address concerns about recruitment and retention of teaching and learning support staff, including:

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- i. recognition and extension of Devon approaches to mentoring, coaching and career development as well as the launch of a new DCC recruitment website with a dedicated section on the benefits of working in education in Devon; and
- ii. lobby central Government reflecting the serious concerns about recruitment and retention of teaching staff.

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

The Meeting started at 10.30 am and finished at 1.20 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

24 January 2019

Present:-

Councillors S Randall-Johnson (Chair), M Asvachin, J Berry, R Peart, S Russell, P Sanders, A Saywell, J Trail, N Way (Vice-Chair), C Whitton, C Wright and J Yabsley

Apologies:-

Councillors P Bialyk (Devon District Councils), A Connett, P Crabb, R Scott and P Twiss

Member attending in accordance with Standing Order 25

Councillor A Leadbetter

* **100** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **101** **Public Participation**

There were no oral representations received at the meeting from a member of the public.

* **102** **Budget 2019/2020: Overall Approach**

(Councillor A Leadbetter attended in accordance with Standing Order 25 (1) and spoke to this item in regard to Adult Social Care and Health Services at the invitation of the Committee)

The Committee noted that the proposed budget for the 2019/20 financial year would be scrutinised by individual Scrutiny Committees, according to the remit set out in the Constitution.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee would present any relevant resolutions and an overview of those issues arising to the Corporate Infrastructure and Regulatory Services Committee. This Committee would also consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny will be reported to Cabinet and Council.

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the Corporate Infrastructure and Regulatory Services Committee for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the Joint Report of the County Treasurer, the Chief Officer for Adult Care and Health Services; and the Chief Officer for Communities, Public Health, Environment and Prosperity (CT/19/03) on the 2019/20 Budget including provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for each service area which included inflation, commitment and service prioritisation reductions. The Report also detailed the proposed capital programme for 2019/20 for the Service.

The Cabinet, at its meeting of 12th December 2018, had set Revenue Budget targets for 2019/20 which totalled £493.850 millions. The targets incorporated inflation and pressures and income initiatives and savings required to set a budget within reduced funding levels provided by Government in the recent provisional financial settlement. This included funding for budget pressures of £33.353 millions that mainly related to additional expenditure to allow

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for service growth to cater for demographic changes such as increased children and adult service users and unavoidable cost pressures. Savings and income initiatives of £13.398 millions were required to set a balanced budget. The target for Adult Care and Health also included £5.045 millions in relation to the one-off Improved Better Care Fund (iBCF) grant announced by the Chancellor in March 2017.

The Chancellor of the Exchequer had presented the Budget to the House of Commons on the 29th October 2018; a month earlier than last year. The Budget contained additional funding for Local Government in both 2018/19 and 2019/20. The additional funding for the current year, 2018/19, was of a Capital nature and was set out in the Report. For 2019/20 the Chancellor announced an additional £650 millions of Revenue funding for Adult and Children's Social Care. £410 millions was for a Social Care Support Grant that was being given in response to concerns nationally regarding pressures in Social Care, including Children's. The remaining £240 millions was a Winter Pressures Grant and would need to be pooled into the Better Care Fund and was specifically for Councils to spend on Adult Social Care.

The Provisional Local Government Settlement for 2019/20 had been announced on 13th December, a week later than originally scheduled due to the ongoing Brexit debates. 2019/20 was the final year of the four-year settlement and the core funding Provisional Settlement of £101.5 millions was as expected. As the Authority was a 100% Business Rates Pilot in 2018/19 a direct comparison of the Council's core funding was more difficult but on a like for like basis the 2019/20 Provisional Settlement represented a reduction, in cash terms, of £13.5 millions or 11.7%.

The provisional settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19.

The Adult Social Care Precept regulations remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Members recalled that Government changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 if the total increase over the three years did not exceed 6%.

The Council had increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

In the summer the Government had invited Local Authorities to apply to become 75% Business Rate Pilots. It was hoped that the 2018/19 100% Pilots would continue into 2019/20 but this was not the case. As part of the Provisional Settlement the Government announced which applications had been successful for 75% Pilot, but Devon had not been selected.

The Committee was reminded that its consideration of the draft Adult Care and Health Services and Public Health budgets was part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 15 February 2019 formulating a budget for consideration by the County Council on 21 February 2019.

The Chief Officers for Adult Care and Health Services; and for Communities and Public Health, Environment and Prosperity (for Public Health) commented on the likely implications of the 2019/20 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands. In order to deliver budget targets saving strategies were required in respect of Adult Care and Health totalling £3.866 millions.

The Public Health budget was predominantly funded by a ring-fenced grant which had reduced by £726,000 or 2.6% for 2019/20. The gross expenditure budget was now £27.808 millions.

The Leadership Group commentary in the Report referred to the turbulent financial climate for Local Government and the importance of getting the best value from every pound raised locally and ensuring investment went to the point of need. This included working with partners and being innovative, flexible and creative including the adoption of the digital agenda.

The Chief Officer and Head of Service for Adult Care Commissioning referred to savings strategies detailed in the Report relating to managing demand in adult care, including commissioning arrangements for personal care, supporting people with disabilities to live more independently, changes to community-based service charging, efficiencies and consolidation of in-house provision; and a share of corporate saving initiatives.

The Report also contained the detailed budget proposals for Adult Care and Health Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Service's base budget was £232.599 millions (an increase of 2% from 2018/19) and included inflation and pressures of £13.517 millions and required savings and income initiatives of £3.866 millions.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report now before the Committee referred to the Budget 2019/20 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/budget-2019-2020>) for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may need to be developed and updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following:

(a) Public Health

- the impact of recurring year on year reductions in the ring-fence Government grant making this budget (£27.808 millions) the smallest budget for Public Health this Council has received and the impact on the levels of mandated and discretionary services;
- there was a possibility in future that the ring fence for the grant may be removed;
- the cessation of the Early Help Public Mental Health Service was a result of the NHS transferring delivery of these services (including 2nd tier counselling, which was a health function) from March 2019 and there remained some funding in Public Health (£151,000) to help ensure a seamless transition in this NHS high priority area, which would include the CCG's taking a 'stock take' of provision across the Devon footprint and leading to new integrated services for children in collaboration with schools;
- an evaluation of the Public Health Mental Health Service provided over the last 3 years would be made to help inform and support the transition;
- reduction in demand in areas relating to smoking and tobacco initiatives and the national health check programme; and

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- programmes relating to 'place' to promote health and wellbeing in communities;

(b) Adult Care and Health Services

- the need to have sight of the long-promised Government's Green Paper including funding for Adult Social Care to assist effective planning by the Council;
- the interdependence of the adult social care with the NHS and its 10year plan (as acknowledged by Simon Stevens, Chief Executive of NHS England),
- the budget with a 2% up-lift from last year was largely demand led and subject to increasing levels of volumes and increasing unit costs, and the risks were detailed in the Risk Assessment within the Report;
- the main risks related to the work force challenges across social care and health services, the increasing complex needs and number of working age adults with disabilities;
- the revised more dynamic and responsive assessment processes relating to 'what matters' to help support people according to their needs by finding solutions, which would often avoid the requirement for a full and lengthy formal assessment;
- investment in the enabling services (including new technology) to assist independence, allowing for savings in other areas;
- the thresholds for social care service provision had not changed, but in terms of personal care the focus was independence and increasing capacity working closely with the health services;
- initiatives to encourage the recruitment and retention of personal care staff relating to their terms and conditions of work and contractual arrangements (with guaranteed paid hours for example) and the 'Proud to Care' campaign;
- the different cost of provision depending need and dependency with costs on average working age residential placements of £970/week, or £650/week for supported living and £230/week for shared hours for example; and therefore, the priority was to enable people to live safe and independent lives, and expand capacity and allocate resources accordingly;
- working in partnership with Devon Partnership Trust (DPT) for mental health services;
- current shortages of domiciliary care workers leading to a current shortage of approximately 2000hrs/week being addressed in the shorter term through additional iBCF monies; and analysis by the services on the levels of turnover and measures to retain current staffing; and
- the support and promotion of the voluntary sector and other community-based initiatives.

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

RESOLVED that the Budget 2019/20, provisional financial settlement and its impact on spending targets and on the proposed Adult Care and Health Services and Public Health budgets for 2019/20 and the issues and/or observations set out above be noted and the Cabinet meeting on 15 February 2019 be requested to:

(a) once again place on record its concern with the reduction in Public Health grant (as a key player in promoting health and wellbeing of the population); and the increased demand and budget pressures in adult social care and asks Cabinet to continue to put pressure on Central Government;

(b) call on the Government for the swift publication of the Green Paper anticipated to address funding in adult social care including adequate funding for care workers, recognising the interrelated nature of system working with the NHS and highlights the limitations of short-term funding affecting long term planning for local services, most notably the Improved Better Care Fund;

(c) recommend that the local NHS continues to work with Devon County Council to ensure the continuation and extension of a comprehensive offer for 0-25 mental health prevention and support and requests further updates to Scrutiny as available;

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- (d) recognise the excellent work undertaken by Public Health around sexual health and commends the NHS to support integrated working arrangements;
- (e) record concern over the impact of Brexit on the Council's budget and the impact on staff recruitment especially adequate recruitment of nurses to private residential homes; and
- (f) consider additional funding be made available to support winter planning for Adult Social Care.

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

The Meeting started at 10.30 am and finished at 12.45 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

29 January 2019

Present:-

Councillors A Dewhurst (Chair), H Ackland, Y Atkinson, K Ball, R Bloxham, J Brook, P Colthorpe, A Eastman, R Edgell, I Hall, J Hook, R Radford, M Shaw, C Slade,

Apologies:-

Councillors P Crabb and J Berry

Members attending in accordance with Standing Order 25

Councillors M Aschavin, S Barker, R Croad, A Davis, R Gilbert, R Hoskings, S Hughes, A Leadbetter, J McInnes, A Saywell and D Sellis

* 100

Minutes

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

* 101

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 102

Public Participation

There were no oral representations from members of the Public.

* 103

Budget 2019/20 and Capital Programme for 2019/20 to 2023/24

(Councillors Randall-Johnson, Sellis, Barker and Davis attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

(Councillors Atkinson and Colthorpe declared personal interests in this item by virtue of being a trustee of the Exeter Food Action and a trustee of Involve, Mid Devon CVS respectively.)

Councillors Randall-Johnson and Sellis as Chair and Vice-Chair respectively of the Health and Adult Care Scrutiny Committee and the Children's Scrutiny Committee reported on the proceedings and recommendations from their respective Budget meetings.

The Committee noted that the proposed budget for the 2019/20 financial year would be scrutinised by individual Scrutiny Committees according to the remit set out in the Constitution, with an overview of those issues arising being further debated by the Corporate Infrastructure and Regulatory Services Committee as well as draft budget proposals within the Committee's own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety and also the Chairs of both the Children's Scrutiny Committee and Health and Adult Care Scrutiny Committee attending and presenting, as required.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee will present any relevant resolutions and an overview of those issues arising to the Corporate Infrastructure and Regulatory Services Committee. This Committee will also

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consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny will be reported to Cabinet and Council.

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the Corporate Infrastructure and Regulatory Services Committee for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the joint report of the County Treasurer, the Chief Executive, the Head of Communities, Public Health, Economy and Prosperity and the Head of Highways, Infrastructure Development and Waste (CT/19/04) on the provisional financial settlement made by Government within the current and anticipated public sector funding regime and the spending targets set by the Cabinet for each service area which included inflation, commitment and service prioritisation reductions. The Report also detailed the proposed medium-term capital programme for the Corporate Infrastructure and Regulatory Services and how it was funded.

The Cabinet, at its meeting of 12th December 2018, had set Revenue Budget targets for 2019/20 which totalled £493.850 millions. The targets incorporated inflation and pressures and income initiatives and savings required to set a budget within reduced funding levels provided by Government in the recent provisional financial settlement. This included funding for budget pressures of £33.353 millions that mainly related to additional expenditure to allow for service growth to cater for demographic changes such as increased children and adult service users and unavoidable cost pressures. Savings and income initiatives of £13.398 millions were required to set a balanced budget. The target for Adult Care and Health also included £5.045 millions in relation to the One-off Improved Better Care Fund grant announced by the Chancellor in March 2017.

The Chancellor of the Exchequer presented the Budget to the House of Commons on the 29th October 2018; a month earlier than last year. The Budget contained additional funding for Local Government in both 2018/19 and 2019/20. The additional funding for the current year, 2018/19, was of a Capital nature and was set out in the Report. For 2019/20 the Chancellor announced an additional £650 millions of Revenue funding for Adult and Children's Social Care. £410 millions was for a Social Care Support Grant that was being given in response to concerns nationally of pressures in Social Care, including Children's. The remaining £240 millions was a Winter Pressures Grant and would need to be pooled into the Better Care Fund but was specifically for Councils to spend on Adult Social Care.

The Provisional Local Government Settlement for 2019/20 was announced on 13th December, a week later than originally scheduled due to the ongoing Brexit debates. 2019/20 was the final year of the four-year settlement and the core funding Provisional settlement of £101.5 millions was as expected. As the authority was a 100% Business Rates Pilot in 2018/19 a direct comparison of the Council's core funding was more difficult but on a like for like basis the 2019/20 Provisional Settlement represented a reduction, in cash terms, of £13.5 millions or 11.7%.

The Provisional Settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19.

The Adult Social Care Precept regulations remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Members recalled that Government changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 as long as the total increase over the three years did not exceed 6%.

The Council increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

In the summer the Government had invited Local Authorities to apply to become 75% Business Rate Pilots. It was hoped that the 2018/19 100% Pilots would continue into 2019/20 but this was not the case. As part of the Provisional Settlement the Government announced which applications had been successful for 75% Pilot, but Devon had not been selected.

The Committee were reminded that its consideration of the draft Corporate Infrastructure and Regulatory Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 15 February 2019 formulating a budget for consideration by the County Council on 21 February 2019.

The Chief Executive, County Treasurer and Head of Services commented on the likely implications of the 2019/20 target for their individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands.

The Leadership Group commentary in the Report referred to the turbulent financial climate for Local Government and the importance of getting the best value from every pound raised locally and ensuring investment went to the point of need. This included working with partners and being innovative, flexible and creative including the adoption of the digital agenda.

The Report also contained the detailed budget proposals for Corporate Infrastructure and Regulatory Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services.

The Communities, Public Health, Environment and Prosperity Services base budget was £38.577 millions (an increase of 0.7% from 2018/19) and included inflation, pressures and NLW of £1.431 millions and required savings of £762,000.

The Corporate Services base budget was £32,974 millions (a reduction of 6.6% from 2018/19) and included inflation, pressures and NLW of £1.476 millions and required savings of £3.808 millions.

The Highways, Infrastructure Development and Waste Services base budget was £54.547 millions (an increase of 0.7% from 2018/19) and included inflation, pressures and NLW of £3.700 millions and required savings of £3.317 millions.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report now before the Committee referred to the Budget 2019/20 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://new.devon.gov.uk/impact/budget-2019-2020>) for the attention of Members at this meeting in order that they may be aware of the equality impact assessments undertaken as part of the budget's preparation and that any risk assessments and projections were adequate and that the evidence supported the assumptions made in the formulation of the budget. Acknowledging also that the preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may need to be developed and updated with time, Members of the Council must have full regard to and

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consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following:

Communities, Public Health, Environment and Prosperity Services

- consideration of the current commitments for flood work had resulted in an increase of the capital programme by £100,000 and a reduction of the revenue budget by £150,000. There had also been minor savings on other non-flood activity budgets based on reduced demand;
- the Communities Together fund had been reduced and the residual amount combined with other voluntary and community sector grants, where two funds would be created to further improve local capacity and resilience, and additional investment in crowd and match funding;
- a review of the Post 16 transitions contract had identified possible savings of £150,000 in 2019/20;
- the Government has guaranteed that the grant funding for all EU projects which were secured post Brexit but before 31 December 2020 will be guaranteed to the end of the project life; and
- the Public Health grant of £26.786 millions remained ring fenced for 2019/20, which represented a reduction of £726,000 (2.6%) from that received in 2018/19 (the Public Health budget had been scrutinised by the Health and Adult Care Scrutiny Committee.)

Corporate Services

- whilst savings of £3.808 were required to be delivered in 2019/20, the target included £1.941 millions in respect of savings that, whilst led by Corporate Services, would be delivered across the Council requiring the restructuring of services and other operational changes;
- future Strategies to be delivered included the implementation of a new Human Resources Management System which would generate savings by utilising self-service access and moving away from paper-based processes. However, the impact of delays to the original project would make delivery of savings challenging;
- continuing work on the Council's digital roadmap would enable further refinement of service delivery models in support of savings plans. There would also be an increased focus on business continuity, disaster recovery and cybersecurity;
- a review of income generation would reduce the impact of savings targets on operations by £140,000;
- the Country Treasurer undertook to revert to Members with a composite inflation figure across the whole Council.

Highways, Infrastructure Development and Waste Services

- Page 34 of the Report contained errors and should read as follows:
 - Cyclic Maintenance – the Gross Expenditure figure should read (2,599) instead of (27,401), and the Gross Income figure should read (2) instead of (29,968); and
 - Safety Reaction – the Gross Expenditure figure should read 6,462 instead of 36,462, and the Gross Income figure should read (93) instead of (30,063);
- the new term maintenance contract had generated significant savings in its first two years of operation and further efficiencies of £580,000 were anticipated during 2019/20, with an additional £630,000 of revenue savings being achieved from a greater focus on preventative roads maintenance;

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- the initial impact of ash die back was expected to be seen during 2019/20, with £350,000 having been allocated to deal with affected trees at risk of falling onto the highway;
- income generation had been explored in order to reduce the impact on services of the savings required. A target of £1.25 millions had been built into the budget in respect of the introduction of the highways permitting scheme and other initiatives;
- the Waste Service faced increased expenditure arising from anticipated waste tonnage growth, contractual inflation and other pressures; and
- the County Treasurer undertook to revert to Members with details of the allocation of the £400,000 grant monies paid to the Citizens Advice Bureau.

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

RESOLVED that Scrutiny Committees note the Government's provisional financial settlement and the spending targets determined by the Cabinet, expressing concern nonetheless at the continuing financial pressure faced by local authorities and the potential consequences on the ability of the Council to do what matters for the people of Devon; specifically, Scrutiny:

Welcomes and supports:

- (a) The proposed 1% Social Care Precept.
- (b) The commitment to invest monies from the business rates retention pilot scheme into Children's Services including for Edge of Care and Crisis Care, with an expectation of innovative invest to save initiatives.
- (c) Additional investment of:
 - i. £8.2 millions for looked after children;
 - ii. £1 million additional funding to support the scrutiny recommendation on changes to foster care allowances; and
 - iii. the planned investment of £2 millions in service improvement and development.
- (d) The Council's flexible and adaptable approach moving to direct delivery of the following services:
 - i. Residential Short Breaks;
 - ii. Rehab officers or Visually Impaired Children's Services;
 - iii. Public Health Nursing; and
 - iv. Portage.
- (e) Increased use of Capital prevention strategies to alleviate revenue spend on highways.
- (f) The continuation of service provision despite challenging budgets in the:
 - i. 50 libraries and 4 mobile libraries across Devon; and
 - ii. continued support for democracy and the effectiveness of scrutiny.

Records Concern:

- (g) That the budgets prepared based on Cabinet's approved targets are sufficient to meet the demands placed on those services and that the apportionment of resources between the various services is appropriate and proportionate. Most notably:
 - i. potential future overspend of the Children's budget, noting with concern the estimated future cost to the authority due to demographic pressure and increases in demand notwithstanding the recognition of the robust planning undertaken by the Service to address needs led budgets;
 - ii. the reduction in Public Health grant (as a key player in promoting health and wellbeing of the population); and the increased demand and budget pressures in adult social care and asks Cabinet to continue to put pressure on Central Government; and
 - iii. the impact of Brexit on the Council's budget and the impact on staff recruitment especially adequate recruitment of nurses to private residential homes.

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Requests that Cabinet:

- (h) Continue to pursue the investment in Devon's children until funding for education is needs led and equitable with other similar local authorities. Scrutiny welcomes the endeavours undertaken by this Council to achieve fairer funding for children in schools across Devon and the additional £10.2million increase in the Dedicated Schools Grant. However, Scrutiny highlights the reality that this is mainly due to an increase in pupil numbers and in real terms there will only be an additional £10 per pupil and is still a **shortfall of £294 compared to the national average** funding for each pupil. Scrutiny encourages consideration of how parents and schools' voices' can be recognised and supported on these issues, including sharing information (e.g. a factsheet).
- (i) Continue to press Government for investment in SEND support; whilst commending the work in increasing specialist provision as well as the success in developing two new special schools in Tiverton and Newton Abbot.
- (j) Call on the Government for the swift publication of the Green Paper anticipated to address funding in adult social care including adequate funding for care workers, recognising the interrelated nature of system working with the NHS and highlights the limitations of short-term funding affecting long term planning for local services, most notably the Improved Better Care Fund.
- (k) Consider a co-ordinated approach to address concerns about recruitment and retention of teaching and learning support staff, including:
 - i. recognition and extension of Devon's approaches to mentoring, coaching and career development as well as the launch of a new DCC recruitment website with a dedicated section on the benefits of working in education in Devon; and
 - ii. lobby Central Government reflecting the serious concerns about recruitment and retention of teaching staff.
- (l) Consider additional funding to be made available to support winter planning for Adult Social Care if possible.
- (m) Ensures that all risk and impact assessments continue to be updated and are compiled with the evidence gathered during this budget preparation exercise and any subsequent engagement processes to support the proposed way forward.

Requests that the NHS:

- (n) Continues to work with the Council to ensure the continuation and extension of a comprehensive offer for 0-25 mental health prevention and support and requests further updates to scrutiny as available.
- (o) Support integrated working arrangements with Public Health around sexual health.

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

The Meeting started at 10.30 am and finished at 1.00 pm

CX/18/1
Cabinet
12 December 2018

Council
21 February 2019

HEART OF THE SOUTH WEST JOINT COMMITTEE – COUNCIL UPDATE

Report of the Chief Executive

Please note that the following recommendations are subject to consideration and determination by the Cabinet and County Council (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that the Cabinet recommends Council to:

- a) Note the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018;
- b) Agree to delegate the development and endorsement of the HotSW Local Industrial Strategy (LIS) to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government);
- c) Agree the Budget and Cost-sharing Agreement attached as Appendix B of this report;
- d) Note that in accordance with the Budget and Cost-Sharing Agreement the Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution.
- e) Approve the sum of £10,500 as the Council's contribution for 2019/20 noting this total budget will only cover the basis cost of servicing the Joint Committee and that, an in-year request for additional budget in support of its work would be subject to approval of a business case and only made in the event that other funding sources could not be identified;

1. Background/Introduction

1.1 In January 2018, the HotSW Joint Committee was formally established by the councils and organisations involved since 2015 in the devolution partnership. The Committee is tasked with improving productivity across the HotSW area in collaboration with the HotSW LEP and other organisations as necessary.

1.2 The Committee has met formally three times in 2018, in March, June and October. In addition to a management structure sits behind the Committee and involves Chief Executives and senior officers from across the partnership and meets regularly to drive the business of the Committee. The Committee is chaired by Councillor David Fothergill, Leader of Somerset County Council and the Vice-Chair is Councillor John Tucker, Leader of South Hams District Council.

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1.3 This report summarises the progress made by the Committee over recent months in key areas of activity and sets out actions proposed in the coming months. As part of this report there are specific recommendations for the constituent authorities to consider.

2. Achievements

2.1 At each of its meetings the Joint Committee has been briefed on inward investment successes achieved through the work of the local authorities and the LEP and the Joint Committee wishes to continue this work.

(a) Influencing government

The partnership's original focus in 2015 was to explore opportunities on offer through devolution to improve productivity. Since its creation the influencing role has continued to be central to the work of the Joint Committee and in recent months there have been successes. Government policy changes and Brexit have required the partnership to be flexible to present a united front to Government and respond to the changes. As an example, the Government has increasingly moved away from its devolution policy approach of 2015 and the partnership is now engaged in more flexible and targeted dialogues with Government. This approach is proving successful so demonstrating the benefits of presenting a single compelling partnership vision between the business and public sectors. Current 'asks' of Government are set out in Appendix A.

The Committee is keen to demonstrate its ability to deliver Government objectives as well as local priorities so accessing help beyond its boundaries is critical to the success of the partnership. It is already apparent that the Joint Committee / LEP Partnership carries a critical mass that the Government is responding to through policy announcements and on-going dialogue with Government officials. The most significant announcement is the recent inclusion of the HotSW LEP area in wave 2 of developing Local Industrial Strategies (LIS). This success is due in large part to the close alignment of the Joint Committee and the LEP on the Productivity Strategy [see (b) below]. Much of the activity detailed below has resulted directly from discussions with Government.

(b) Approval of the HotSW Productivity Strategy

(i) In March the Committee and the LEP Board agreed a challenging HotSW Productivity Strategy which set an ambition of "*Doubling the size of the Heart of the South West's economy over 20 years*" with a vision of "*Productivity and prosperity for all*".

(ii) The Strategy identifies three strategic themes to improve productivity by strengthening and developing:

- a. the leadership and ideas within businesses in our area
- b. the housing, connectivity and infrastructure our people and businesses rely on for living, moving goods, accessing jobs and training, and exploiting new opportunities.
- c. the ability of people in our area to work, learn and improve their skills in a rapidly changing global economy, and to maximise their economic potential.

- (iii) In addition, there are three cross-cutting themes, referred to throughout the Strategy:
 - a. Inclusive growth for our people, communities and places
 - b. Capitalising on our distinctive assets
 - c. Maximising the potential from digital technology

The Strategy can be viewed at:

<https://heartofswlep.co.uk/about-the-lep/how-we-work/productivity-strategy/>

(c) Endorsement of the Delivery Plan

This document is key to the delivery of the Productivity Strategy and will be further developed as explained below. It is a live action plan that will be used to track performance locally and may also form the basis of annual progress reports to Government, as required under the recent national review of LEPs. It is broadly divided into two sections – a ‘core offer’ focussing on programmes that deliver Business Support and Employment and Skills, as well as ‘enablers’ including housing delivery, transport, and other infrastructure that is essential to support economic growth. These activities apply across the whole of the HotSW area. A further section focuses on programmes of activity linked to the agreed set of ‘opportunities’ that are specific to the HotSW area.

The Plan incorporates current as well as future, planned activity, and is being produced in stages depending on how well developed the programmes of activity for each theme. The current version features the opportunities that are at the most advanced stage, namely: Digital (Photonics); Advanced Engineering (marine and nuclear); High Value Tourism; Farming, Fishing and Food. By spring 2019 it will be expanded to include: Healthy Ageing; further Digital (Creative and Big Data); Advanced Engineering (aerospace); Construction; and Defence. Place markers have also been included for inclusive growth and natural capital to be developed as part of the next phase of work. The current version of the Delivery Plan can be viewed at:

<http://www.hotswjointcommittee.org.uk/wp-content/uploads/2018/10/HotSW-Draft-Delivery-Plan-October-2018.pdf>

(d) Communications document

A communications document has produced to summarise the Delivery Plan and is being used with local MPs, Ministers and senior Government officials as part of continuing effort to raise the profile of the HotSW area. This is a critical time to influence the 2019 Spending Review and the anticipated launch of the UK Shared Prosperity Fund towards the end of 2019. The document was also circulated to MPs prior to the Chancellor’s autumn statement as part of the influencing approach. To ensure that the communications document has some longevity, the key strategic ‘asks’ of Government have been set out in a covering letter, jointly signed by the Chairs of the Joint Committee and the LEP. As Delivery Plan is developed, further asks will emerge and be submitted to Ministers. The list of asks submitted in October is attached as Appendix A to this report. The communications document can be viewed at:

<http://www.hotswjointcommittee.org.uk/wp-content/uploads/2018/10/HotSW-Opportunities-Prospectus-October-2018.pdf>

(e) Housing

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This is a key enabling opportunity for the Joint Committee. Following a housing audit to gauge Local Plan progress on targets and delivery rates, a HotSW Housing Summit was held in September with key agencies including Homes England. The outcome of this successful event was an agreement to work closely with Homes England to develop a bespoke package of offers and asks with Government which will help to successfully deliver the ambitious housing programmes across our area. A Housing Sector Task Force of strategic leaders and officers has been established to develop a proposition to Government and to work with Homes England which will report to the Joint Committee.

(f) National Infrastructure Commission (NIC)

The Joint Committee is seeking to secure a growth corridor study following helpful discussions with the NIC. Initial discussions with the Chair of the Commission were well received and the Joint Committee was encouraged to submit a business case to the Chancellor who will decide whether to fund such a study for the HotSW.

A proposal was submitted to the Chancellor in October. The study would be similar to the one conducted by the NIC for Cambridge-Milton Keynes-Oxford. It would help the HotSW partnership to better understand the constraints to higher levels of productivity by highlighting where investment in strategic infrastructure could unlock faster growth over the long term. The initial focus for the study would be along the A38/M5 transport spine, recognising that investment would have benefits for the whole of the HotSW area and wider south west.

(g) Brexit Resilience Opportunities Group

This Chief Officer group was established as part of the work on devolution and continues to advise the Joint Committee on Brexit preparations. It explores the post-Brexit opportunities for the HotSW partnership in areas such as food and farming, fisheries and funding for rural development. The key impacts on local government relate to: the impact on services; the impact on local economies; and the impact on society. The Group has fed directly into the Local Government Association and the Government to raise the profile of the area and issues, as well as shaping thinking at these levels.

As the date for the UK leaving the EU approaches, Government departments are increasing their preparations for the possibility of a 'no deal' scenario. The Group is facilitating dialogue with Government representatives to ensure the needs of Devon and Somerset communities and businesses are heard in Whitehall. On the 12th November, the Group facilitated a Brexit Sounding Board attended by senior civil servants from MHCLG, BEIS, Home Office and supported by the Local Government Association. The Group is also working with Cornwall on post-Brexit themes of mutual interest, such as agriculture and land management, fisheries, rural development and future funding.

(h) Sub-National Transport Body

Linked to the Joint Committee's work on infrastructure is the imminent establishment of a South West Peninsula Shadow Sub-National Transport Body (covering Somerset, Devon, Cornwall, Plymouth and Torbay) which will develop a sub-national Transport Strategy to work with Government to deliver investment in our major transport infrastructure. In the short-term this will be an informal partnership, however a current 'ask' of Government is that they endorse the creation of a statutory Sub-National

Transport Body for the Peninsula, and a separate body for the South West around the east of the region. These two new transport bodies will provide a platform for strategic discussions with Government on priorities for the region over the long term.

(i) Established an independent Scrutiny Committee for the Local Enterprise Partnership

In November 2018, the Constituent Authorities held their first Scrutiny Committee of the LEP. The Scrutiny Committee is supported by Devon County Council's Democratic Services. The Scrutiny Committee, which is independent of the Joint Committee, will review the performance and function of the LEP and will make recommendations to the Board. It will have a key role in scrutinising the performance of the LEP; reviewing the delivery of the Productivity Strategy and, in time, the Local Industrial Strategy. This provides an additional level of democratic accountability of the Local Enterprise Partnership.

3. **Next steps**

In addition to what is outlined above, the Joint Committee / LEP partnership will:

- (a) Develop an Investment Framework for the Delivery Plan so that priorities for delivery and project opportunities can be delivered via investment from a range of sources.
- (b) Review the roles and functions of both bodies through a governance review to acknowledge the revised and enhanced focus given to LEPs by the Government. This work will include a review of the management support arrangements. The Joint Committee and the LEP will continue to share responsibilities across the Productivity Strategy and the Delivery Plan with the LEP leading on areas closely linked to the LIS and the Joint Committee leading on other areas such as housing and infrastructure. The need for close collaboration between the two has never been more important as we look to further influence Government policy and actions over the next 12 months and beyond.

4. **Local Industrial Strategy**

4.1 The inclusion of the HotSW LEP area in the second wave of areas to benefit from working with the Government to develop their Local Industrial Strategies (LIS) is a considerable achievement for the Joint Committee and the LEP. The first wave 'trailblazers' were the urban conurbations of Greater Manchester, the West Midlands and Cambridge-Milton Keynes-Oxford. The partnership had been pushing to be in the second wave and had raised the ask with Government Ministers and officials over a number of months. It was therefore very welcome that HotSW was announced in July as being part of wave 2.

4.2 By working closely with Government to develop a Local Industrial Strategy the Joint Committee will be able to agree the long term transformational opportunities that will help deliver the asks specific to our area and influence wider Government policy and delivery.

4.3 Local Industrial Strategies will focus on the foundations of productivity and identify transformational opportunities with partners across Ideas, People, Infrastructure, Business Environment and Place. The Strategy will be led by local people and businesses, allowing local leaders to harness the strengths of their own areas; ensure that the benefits of growth are realised by all; and provide the right conditions for improving the prosperity of communities throughout the area.

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4.4 Ultimate approval of the LIS rests with the LEP in collaboration with the Government. The LIS guidance requires the LEP to collaborate on the development of the LIS with a range of stakeholders including the local authorities and other partners.

4.5 The LEP's proposed timetable is to have the final LIS agreed between the LEP and the Government by June 2019. Fortunately, HotSW partners are better placed than many areas to meet this timetable as the work done by the Joint Committee and the LEP to build and test the evidence base for the Productivity Strategy and Delivery Plan has set the foundation; the LIS will be a natural extension of this.

4.6 The Joint Committee is ideally placed to provide both collective and council level input into the development of the LIS, although final approval rests with the LEP. The validity and positioning of the document would be immeasurably strengthened by the involvement and general endorsement of all the constituent authorities, and by other partners including the business community.

4.7 To enable the development of the LIS to be taken forward at pace, and to demonstrate alignment with partners across the area, it is proposed that local authority input is developed, coordinated and signed off by the Joint Committee. The powers of (and delegations to) the Committee are tightly focussed around the Productivity Strategy under the current governance arrangements, so approval needs to be sought from the constituent authorities to formally delegate the Council's responsibilities for contributing to and signing off the HotSW Local Industrial Strategy (LIS) to the Joint Committee. The recommendations provide the opportunity for the Council to influence and shape the LIS as well as provide content. To ensure that there is wide buy-in to the development of the LIS across the constituent authorities, a portfolio holder engagement event was held on 23 November 2018

5. Budget and Cost Sharing Agreement

5.1 The Joint Committee has been kept informed of its budgetary position to provide assurance that it is operating within its budget. This section of the report includes:

- (a) a summary of the Committee's current budget position for 2018/19 – pages 1 and 2 of Appendix B
- (b) a Budget and Cost Sharing Agreement (B&CSA) which is a development of the Inter-Authority Agreement agreed by the constituent authorities at the time the Committee was established – pages 3 and 4
- (c) An indicative budget request for 2019/20 to the constituent authorities.

5.2 Pages 1 and 2 of the Appendix summarise the position on the operating and support budget of the Committee. It shows a variation of the income for 2018/19 expected at the time of the Committee's establishment with a larger than anticipated underspend carried forward from the work on devolution during the 2015 to 2018 period. This together with the contributions agreed by the constituent authorities have given the Committee a larger than anticipated budget for 2018/19.

5.3 In terms of the anticipated spend for 2018/19 the current position suggests that the Committee will be able to operate within budget although not all commitments have yet been identified. Any funds not spent in 2018/19 will be carried forward to 2019/20 to help offset the future budget requirement.

5.4 At the time of the Committee's establishment the Inter Authority Agreement referred to the development of a B&CSA and included some headings to be included within it. Pages 3 and 4 cover the remaining detail of the Agreement. It is a relatively simple document proportionate to the small size of the budget and the limited financial risk to each constituent

authority. It explains the role of the administering authority as well as the responsibilities of the constituent authorities.

5.5 The Joint Committee has approved the B&CSA and all Section 151 Officers of the constituent authorities have been consulted on its contents. The document now requires the formal approval of the constituent authorities.

5.6 In terms of the Joint Committee's budget for 2019/20 the work programme is unknown at this stage although a busy year is expected for the Joint Committee to respond to Government policy initiatives and to support the Delivery Plan. To assist the constituent authorities to plan their budget commitments for 2019/20, the minimum contribution for 2019/20 is set out below. These contributions will generate sufficient budget to cover the costs of the administering authority to service the Joint Committee, and with a small surplus. The Budget contributions are set out below:

- County Councils - £10,500
- Unitary Councils - £4,000
- District Councils and National Parks £1,400

5.7 The Council is therefore asked to approve a budget contribution of £10,500 as a minimum contribution to cover the costs of administering the Joint Committee. The Council is asked to note this will only cover the basic costs of running the Committee. A work programme is currently being explored, however, if the Joint Committee does identify opportunities that require funding to realise it could make a request for additional funding, in year, from the Constituent Authorities.

5.8 Any additional request for funding that cannot be met within budget or from another source may result in an in-year request to the Constituent Authorities. This will, only be undertaken in exceptional circumstances and against a costed proposal and plan of activity.

6. Options/Alternatives

6.1 The alternative option is for the County Council to withdraw its membership of the Joint Committee. This option has been rejected due to the risk to the Council's influence at a regional and national level. The Joint Committee is a strong partnership that can speak with a collective voice to Government and to the benefit of our communities.

7. Consultations/Communications

7.1 Under the Communications and Engagement Plan, members of the constituent authorities, the public and stakeholders are kept informed of developments with the Joint Committee through newsletters published after each formal meeting and press releases on significant issues of interest. As we move towards Christmas, the Committee's engagement plans include seeking the support of relevant Ministers and all local MPs for the Communications document and specifically our 'asks' of Government. This engagement campaign will continue and accelerate as we move into 2019.

7.2 In addition the Committee has its own website providing background information, Joint Committee papers and minutes; links to latest news and publications and details of the membership accessible to the public. This can be accessed at:

<http://www.hotswjointcommittee.org.uk/>

Agenda Item 9

8. Financial Considerations

8.1 The direct costs to the constituent authorities are set out above and in Appendix B. In addition to this the constituent authorities and partners continue to input considerable amounts of officer time into the partnership on an 'in kind' basis. The LEP continues to make a significant contribution to the work of the Committee and has met some direct costs.

8.2 The constituent authorities are reminded that the Joint Committee continues to provide a relatively low-cost option to meet the partnership's objectives compared to the Combined Authority alternative.

9. Legal Considerations

9.1 The HotSW Joint Committee is a Joint Committee of the local authorities across Devon and Somerset that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the following:

9.2 The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.

9.3 The Committee is a single strategic public sector partnership providing cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:

- Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- Increase our understanding of the economy and what needs to be done to make it stronger;
- Improve the efficiency and productivity of the public sector;
- Identify and remove barriers to progress and maximise the opportunities/benefits available to the area from current and future government policy.

10. Public Health Considerations

10.1 There are no direct public health impacts of these recommendations. However, public health considerations will be an important consideration in the development of the LIS recognising that there is a strong correlation between economic prosperity and health of the population.

11. Equality Considerations

11.1 No adverse impact on any protected groups.

12. Risk Management Considerations

12.1 Given the participation in the Joint Committee as one of the constituent Local Authorities, the main risks are around failing to participate actively in this or any other related process, thus manifesting a failure of sub-regional or regional awareness of the Council's specific economic and productivity concerns. The risk from failing to participate is most likely to be a loss of the Council's influence at regional level and an inability to draw attention to the area's economic needs (across such areas as productivity, skills, infrastructure and related inward investment). It would also weaken the wider partnership proposition, so affecting the ability of the HotSW partnership to speak with one voice and influence Government policy for the benefit of the wider area and including our residents, businesses and visitors.

13. Summary/Conclusions/Reasons for Recommendations

13.1 It is essential that the local authorities contribute to the development and approval of the LIS working in collaboration with the LEP. The LIS will be a natural development of the Productivity Strategy and Delivery Plan for which the Joint Committee already has delegated authority, and therefore it would seem appropriate to formally extend this authority to the development and approval of the LIS to the Joint Committee on behalf of the constituent authorities.

13.2 It is important that the constituent authorities are kept up to date on the Committee's budget situation and make provision for the 2019/20 budget commitment. It is also important that the Budget and Cost Sharing Agreement is formally agreed by the constituent authorities as part of the Committee's governance arrangements.

Phil Norrey
Chief Executive

[Electoral Divisions: All]

Leader of the Council: Councillor John Hart

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Sue Rose

Tel No: 01392 382371 Room: G60

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
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Nil

Heart of the South West Partnership's key strategic asks of Government

As part of the partnership's increased lobbying with MPs and with reference to the Great South West Partnership, several 'policy asks' of Government were identified to coincide with party conferences and the Autumn Statement:

1. Recognition of the Great South West Partnership with a commitment to co-design a Rural Deal - a 'Rural Productivity Partnership' with GSW following publication of Rural Productivity Commission Report earlier in the year
2. Strategic Connectivity
 - a. Confirmation of Sub National Transport Body/ (ies)
 - b. Peninsula Rail priorities – e.g. commitment for funding Dawlish
 - c. Funding commitment for A303 improvements
 - d. Superfast Broadband and 5G trials
 - e. Joint working with the National Infrastructure Commission on an A38/M5 corridor study to explore how we can unlock our full potential and accelerate growth to transform our region.
3. Transforming Cities and Strength in Places bids agreed
4. EU Fisheries underspend proposal: an offer to work with Government to develop a proposal to utilise the projected underspend in the current EU Fisheries budget.
5. Nuclear Sector Deal (and others specifically Maritime and Defence) to have clear place-based elements/funding, recognising the HotSW opportunities.
6. Local Industrial Strategy specific: encourage joint working with WECA on Wave 2 Local Industrial Strategies particularly around connectivity and Smart specialisations e.g. Nuclear and Aerospace.

Heart of the South West Joint Committee Budget Statement – 2018/19

Costs

At the time the Joint Committee was established it was estimated that its operating and support **costs** for 2018/19 (and to cover the remainder of 2017/18) would be £89,000 - excluding in-kind officer support. This estimate comprised:

1. £25,000 for work the Joint Committee would wish to commission to support the delivery of its work programme
2. £24,000 for the Brexit Resilience and Opportunities Group Secretariat
3. £40,000 for the Administering Authority to undertake its duties.

Budget

Current budget position summary:

18/19 Budget = <u>£117k</u> (an increase of £25k over the original estimate)	18/19 Expenditure - <u>£84.1k</u> (as at 24/10/18)
<ol style="list-style-type: none"> 1. £67k - devolution budget carry forward (as against the estimate of £42k) – transferred from PCC to SCC 2. £50k - funding contributions from the constituent authorities 	<ol style="list-style-type: none"> 1 £40k - for Administrative Authority costs including: direct meeting costs (including refreshments); staffing costs directly relating to HotSW meetings; JC communications and marketing; micro-site development 2 £19k - support costs of the Brexit Resilience Opportunities Group (BROG) including seconded part-time officer support (against an original budget allocation of £24k) 3 £6k – costs of Housing Summit 4 £9.8k – housing consultancy support 5 £9.3k – national corridor infrastructure corridor consultancy support

Agenda Item 9

APPENDIX B

Budget and Cost Sharing Agreement

As part of the new Joint Committee working arrangements, the following clause was agreed in relation to the costs of operation of the Joint Committee. This clause is in the Inter-Authority Agreement.

4.0 JC Finance

4.1 The JC's budgetary arrangements shall be detailed in a budget and cost sharing agreement to be agreed by all the Constituent Authorities annually on the recommendation of the JC and in advance of the financial year. The only exception to this will be in the JC's first year of operation when the JC shall recommend a budget and cost sharing agreement to the Constituent Authorities for approval at the first opportunity following its establishment.

4.2 The budget and cost sharing agreement shall cover:

- (a) The responsibilities of the Constituent Authorities for providing funding for the JC
- (b) The anticipated level of expenditure for the JC for the year ahead
- (c) The cost sharing mechanism to be applied to the Constituent Authorities
- (d) Details of how the budget will be set and agreed each year
- (e) Who is to be responsible for maintaining financial records on behalf of the JC (the 'accountable body');
- (f) What financial records are to be maintained;
- (g) What financial reports are to be made, to whom and when;
- (h) What arrangements and responsibilities are to be made for:
 - auditing accounts;
 - insurance including ensuring all partners have sufficient cover;
- (i) How any financial assets held by the JC on behalf of the Constituent Authorities will be redistributed to the CAs in the event of the dissolution of the JC or in the event of a CA formally withdrawing from the CA.

How is the budget set and agreed each year?

In the February preceding each financial year, in consultation with the Somerset County Council Finance Advisory Team, the SCC Strategic Manager - Partnership Governance on behalf of the PMO will detail a budget plan for the JC income and expenditure. This will establish estimated amounts for that financial year and the timing of those financial transactions. This will be submitted by the administering authority to the Joint Committee for recommendation to the Constituent Authorities (CA) for approval.

Each CA will pay their agreed contribution to the Administering Authority (AA) in a timely manner on receipt of invoice details.

Who is to be responsible for maintaining financial records on behalf of the Joint Committee?

Somerset County Council Finance Advisory Team – Ian Tier, Finance Manager

APPENDIX B

What financial records are to be maintained?

Financial records, i.e. orders for supplies and services, payments made, invoices raised and receipts, will be kept electronically on the Somerset County Council financial system. This incorporates purchase orders, invoice scans, cashiers receipts and sales invoices.

What financial reports are to be made, to whom and when?

Somerset County Council Finance Advisory will present a quarterly income and expenditure report to the Somerset County Council Strategic Manager – Partnership Governance. This will be reported to the Heart of the South West Chief Executive Advisory Group for information. An income and expenditure report will be presented to the Joint Committee for information on at least an annual basis.

What arrangements and responsibilities are to be made for?

Auditing Accounts - The AA's accounts and audit arrangements will apply to JC business.

Insurance

Each CA will ensure that it has sufficient insurance cover in place to provide protection for their members and officers participating in the work of the JC and in their capacity as officers or members of that authority. The AA will ensure that it has sufficient insurance cover in place to cover the AA role.

How any financial assets held by the Joint Committee on behalf of the Constituent Authorities will be redistributed to the Constituent Authorities in the event of the dissolution of the Joint Committee or in the event of a Constitution Authority formally withdrawing from the Joint Committee?

Itemised records of contributions made by each of the CAs will be kept over the life of the JC. In the event of the dissolution of the JC or in the event of a CA formally withdrawing from the CA having given the required notice, financial assets will be returned to the CA or CAs on a proportionate basis.

APPEALS COMMITTEE

7 January 2019

Present:-

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

* 128

Minutes

RESOLVED that the minutes of the meeting held on 3 December 2018 be signed as a correct record.

* 129

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.

* 130

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.

* 131

Deferred Appeals

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

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

Appeal Refused: ST 124 Huxham – Clyst Vale CC (pick up point) (Route available).

* 132

School Transport Appeals

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

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

ST 126 Bampton – Uplowman Primary Local Member

ST 125 Axminster – Axe Valley Academy Appellant and Local Member

Agenda Item 12a

APPEALS COMMITTEE
7/01/19

RESOLVED:-

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

ST 126 Bampton – Uplowman Primary

(b) that the following appeal(s) be deferred for members' route inspection:-

ST 125 Axminster – Axe Valley Academy

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

The Meeting started at 9.45 am and finished at 11.00 am

APPOINTMENTS AND REMUNERATION COMMITTEE

15 January 2019

Present:-

Councillors J Hart (Chair), A Connett, R Hannaford and J McInnes

Apologies:-

Councillors B Parsons

* **45** **Minutes**

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

* **46** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

47 **Pay Policy Statement 2019/2020**

The Committee considered the Joint Report of the County Solicitor and the Head of Human Resources outlining the proposed and revised pay Policy Statement for 2019/2020, and consequential amendments to the Chief Officer Employment Procedure Rules and Disciplinary Policy, for ratification by the County Council.

The Committee were reminded that the Localism Act 2011 required Councils to prepare and approve, annually, a Pay Policy Statement setting out its policy for each financial year relating to remuneration of Chief Officers and other employees and the relationship between the pay of Chief Officers and the lowest paid employee.

The draft Pay Policy Statement was attached at Appendix 1 to the Report and continued to reflect the Government's proposal to implement various pieces of legislation to restrict exit payments for public sector workers. The implementation date was yet to be confirmed, but proposals included:

- a £95,000 Exit Payments Cap, covering all types of exit payment including those for voluntary and compulsory redundancy and other severance payments as well as employer funded contributions to access a pension early;
- the Public-Sector Exit Payment Recovery Regulations, which proposed the recovery of public sector exit payments where high earners (over £80,000 per annum) returned to any part of the public sector within 12 months of receiving such a payment; and
- the Further Reforms to Public Sector Exit Payments, which proposed changes to limit the amount of redundancy compensation payments and limiting the amount of employer funded top-ups for early retirement across the various public sector compensation schemes.

An updated Report had been circulated to the Committee highlighting that as a result of the 2018 and 2019 NJC 2 year pay award, from April 2019 new pay spines were being introduced to accommodate the new minimum rate of pay of £9 per hour. This resulted in the requirement to assimilate the new spinal column points (SCPs) into the Council's existing pay and grading structure. Following extensive consultation with the Trade Unions, a proposal had been agreed and staff consultation would begin shortly. The changes, however, had no significant impact on the Pay Policy Statement.

Agenda Item 12b

APPOINTMENTS AND REMUNERATION COMMITTEE
15/01/19

The draft Pay Policy Statement continued to reflect a potential future review of terms and conditions and the Authority's wider reward strategy, bearing in mind the pay and grading implications of the National Living Wage, the current National Joint Council (NJC) Review of the Pay Spine and other issues such as recruitment and retention and the changing nature of work and roles within the Authority.

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

RESOLVED

(a) that the proposed amendments to the Pay Policy Statement be endorsed and the revised Statement for 2019/20 be commended to the Council; and

(b) that the leadership roles and salary rates, which are unchanged except for the nationally agreed 2018/20 Pay Award of 2% each year, be noted.

* 48

County Solicitor: Chief Officer for Legal, Human Resources and Communications

The Head of Human Resources reported that, following the retirement of the previous Head of Service for Communities, there had been a redistribution of duties, particularly relating to Human Resources functions, which would now come under the remit of the County Solicitor.

The job title of County Solicitor was no longer commensurate with all the duties included within the role, therefore the title would be revised to 'County Solicitor: Chief Officer for Legal, Human Resources and Communications' and the Constitution amended to reflect this.

Members noted there was no change in remuneration in relation to the role.

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

RESOLVED that the revised job title of 'County Solicitor: Chief Officer for Legal, Human Resources and Communications' be endorsed.

The Meeting started at 2.15 pm and finished at 2.37 pm

Pay Policy Statement (April 2019 - March 2020)

1. Introduction

- 1.1. This document sets out Devon County Council's pay policy statement which will be reviewed annually.
- 1.2. The statement sets out the Council's policies relating to the remuneration of chief officers/heads of service, senior officers and officers and the relationship between the remuneration of the highest and lowest paid. Remuneration for the purpose of this statement includes basic salary, any other allowances and any payments made upon the cessation of employment.
- 1.3. The key principles underpinning this pay policy statement are:
 - 1.3.1. **Affordability** – ensuring remuneration policies represent value-for-money for the taxpayer.
 - 1.3.2. **Fairness** – ensuring remuneration policies are fair to all employees, ranging from the most senior post to the most junior post.
 - 1.3.3. **Meeting legislative requirements** – ensuring remuneration policies comply with all legal obligations, such as the Equal Pay Act and Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 regarding gender pay gap reporting.
 - 1.3.4. **Market Awareness** – ensuring due regard is taken of the market, both nationally and locally in the South West, and that this policy is in line with councils of a similar size and/or in a similar labour market.

2. Officers (including Lowest Paid Employees)

- 2.1. Officers are defined as those on [grades A-T](#).
- 2.2. Lowest Paid Employees at the County Council are defined as employees paid on Spinal Column Point **6 1** of the National Joint Council for Local Government Services (NJC) Pay Scale. This definition has been adopted as it is the lowest level of remuneration attached to a post in the Council.
- 2.3. Officers are employed under NJC terms and conditions.
- 2.4. The adoption of the NJC Pay Scale was jointly agreed by the County Council and NJC recognised Trade Unions as part of Single Status implementation.
- 2.5. The County Council uses the Greater London Provincial Council (GLPC) job evaluation scheme to determine an employee's position on the NJC pay scale (and therefore their pay level).
- 2.6. Officers are eligible for annual incremental increases up the NJC pay scale until they reach the top of their grade.
- 2.7. Any annual pay awards are determined by national NJC agreement.
- 2.8. Officer appointment, remuneration and terms in the event of the cessation of employment are in line with paragraph 4 of the Chief Officer Employment Procedure Rules, Council employment policy and statutory regulations and guidance.
- 2.9. Certain staff groups, defined as 'officers' within this Pay Policy Statement, are employed on separate terms and conditions which reflect relevant national agreements. These include teachers and some staff employed within social care or Public Health who are on NHS/health terms and conditions.

3. Senior Officers

- 3.1. Senior Officers are defined as those on grades L9-L5 for non Head of Service posts.
- 3.2. Senior officers are employed under Joint Negotiating Committee for Chief Officer (JNC) terms and conditions.
- 3.3. Senior Officers are remunerated on a local pay scale.
- 3.4. The Hay job evaluation scheme is used to determine an employee's position on the local pay scale (and therefore their pay level).

3.5. The County Council operates a tiered pay scale for Senior Officers. Each tier has a spot salary and there is no incremental progression or salary increase, other than any annual pay awards which are determined by national JNC agreement.

4. Chief Officers and Heads of Service

4.1. Chief Officers and Heads of Service are defined as follows:

4.1.1. **Chief Officers** - Chief Executive, the Chief Officers for Children's Services, for Adult Care & Health, for Communities, Public Health, Environment & Prosperity (Director of Public Health, see paragraph 7) and for Highways, Infrastructure, Development & Waste; County Treasurer (Chief Finance Officer) and County Solicitor (Monitoring Officer) on Devon County Council Grades L0-L3 and the Director of Public Health-(see paragraph 7).

4.1.2. **Heads of Service** – either holders of posts defined locally who comprise the Council's Leadership Team appointed by the Appointments and Remuneration Committee and the Local Government and Housing Act 1989 or who fall within the category of non-statutory officer (as set out in the Local Government and Housing Act 1989), on Devon County Council Grades L2-L4.

4.2. All Chief Officers and Heads of Service are employed under Joint Negotiating Committee for Chief Executive or Chief Officer (JNC) terms and conditions (except for the Chief Officer for Communities, Public Health, Environment and Prosperity (Director of Public Health – see paragraph 7)).

4.3. The County Council operates a [tiered pay scale](#) for Chief Officer and Heads of Service posts (except the Chief Officer for Communities, Public Health, Environment and Prosperity Director of Public Health – see paragraph 7)). Each tier has a fixed, spot salary and there is no incremental progression. The Hay job evaluation scheme is used to determine an employee's position on the scale (and therefore their pay level).

4.4. The Appointments and Remuneration Committee will consider and recommend the appointment, remuneration and terms in the event of the cessation of employment of any substantive posts of Chief Officers and Heads of Service, in line with its Terms of Reference, the Pay Policy Statement, Chief Officer Employment Procedure Rules, the Council's employment policy and statutory regulations and guidance.

4.5. The Appointments and Remuneration Committee would not normally recommend the re-employment of individuals to Chief Officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modification Order.

4.6. Salaries are fixed for the duration of this policy and reviewed annually by the Appointments and Remuneration Committee. Any variation from the fixed salary during the period of this policy (either for an existing Chief Officer/Head of Service or for the appointment of a new Chief Officer/Head of Service) requires approval from the County Council, except in the case of any annual pay awards which are determined by national JNC agreement.

4.7. The County Solicitor is the County Returning Officer and Returning Officer fees paid are in line with the guidance stipulated from the Ministry of Justice for the relevant elections.

4.8. The County Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of Chief Officers/Heads of Service. Pay levels for all Chief Officers/Heads of Service posts are published on the [County Council's website](#) and/or in the [Annual Statement of Accounts](#).

5. Terms and Conditions for all employees

- 5.1. The County Council does not operate a performance-related pay scheme for any employee.
- 5.2. The County Council does not pay bonuses to any employee.
- 5.3. The County Council may pay a market supplement in circumstances where it is not possible to recruit or retain particular staff or categories of staff, subject to the principles set out in the Council's Market Supplement Policy. The market supplement is a temporary addition to the basic pay of the role and is reviewed annually. Market supplements paid to the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.4. Travel and subsistence expenses incurred on County Council business are reimbursed to employees. Reimbursement of expenses is governed by the principle that employees should not be financially advantaged or disadvantaged in carrying out their duties and all employees are subject to the same policy. Expenses and any benefits-in-kind for the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.5. The County Council does not pay fees on behalf of any employees, though this is subject to change in exceptional circumstances where there is an appropriate business case. Any fees paid to the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.6. Allowances are paid in line with NJC terms and conditions (for Officers) or JNC terms and conditions (for Senior Officers and Chief Officers/Heads of Service), or by local agreement where appropriate. Any allowances paid to the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.7. All employees are subject to the same terms and conditions in respect of termination of employment. The only exception to this is Chief Officers who are subject to a modified disciplinary procedure which is outlined in paragraph 9 of the Chief Officer Employment Procedure Rules.
- 5.8. All non-teaching employees are eligible to join the Local Government Pension Scheme (LGPS). The County Council does not augment pensionable service. The Council's employer severance and pension discretions, allowed under the LGPS regulations, apply to all employees.
- 5.9. The Council will apply the Government's various legislative proposals related to public sector exit payments, when these arrangements take effect.
- 5.10. During the year the Council will continue to explore and consult upon, with the aim of agreeing, changes to employee terms and conditions, to ensure that they are fit for purpose for a changing council.

6. Relationship between Chief Officers and employees who are not Chief Officers

- 6.1. Senior Officers and Chief Officers/Heads of Service receive no special enhancements to benefits or terms and conditions.
- 6.2. The Hutton Review recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 20:1. The County Council has adopted this recommendation. It is the Council's policy that this ratio will not exceed 20:1 and it will be reviewed annually by the Appointments and Remuneration Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is ~~10:1~~ **9.1**¹, based on the lowest paid post being at spinal column point 6.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is **8:1**²
- 6.5. The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is ~~5:1~~ **4.1**³.

¹ The 2018/19 reported Pay Policy Statement ratio was 10,1

² 2018/19 Pay Policy Statement ratio was 8.1.

³ 2018/19 Pay Policy Statement ratio was 5:1.

Agenda Item 17

7. Director of Public Health

- 7.1. Devon County Council assumed public health responsibilities (in line with the Health and Social Care Act 2012) from April 2013 and employs a Director of Public Health, who is defined as a Chief Officer, as described at paragraph 4.1.
- 7.2. The Director of Public Health and a number of other Devon Public Health employees transferred from the NHS to Devon County Council in accordance with the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) with effect from 1st April 2013. In practice this means that the existing terms and conditions of employment of transferring employees are protected at the point of transfer and they currently continue to be paid on NHS pay rates and not NJC or JNC terms.

Agenda Item 12b

DEVELOPMENT MANAGEMENT COMMITTEE

30 January 2019

Present:-

County Councillors

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

Member attending in accordance with standing Order 25:-

Councillors A Davis and R Edgell

Apologies:-

Councillor G Gribble

* 67

Minutes

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

* 68

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 69

County Matter: County Council Development: North Devon District: Proposed widening of 7.5km of the carriageway including junction improvements at Landkey and West Buckland; provision of a footbridge; and associated works at A361 North Devon Link Road, Between Portmore Roundabout (Barnstaple) and Filleigh Cutting (South Molton)

(Councillor J Yabsley declared a Personal Interest in this item by virtue of being a Member of the North Devon District Council [Executive Committee])

(Councillor Edgell (as a local Member) and Councillor A Davis (on behalf of the applicant) attended in accordance with Standing Order 25 and spoke to this item in support of the application)

(Mr M Smith (WSP consultants) and Ms D Fitzsimmons (Devon County Council) attended (both on behalf of the applicant) under the Council's Public Participation Scheme and spoke to this item in support of the application)

The Committee considered the Report of the Chief Planner (PTE/19/5) relating to an 11km length of the A361 North Devon Link Road between Filleigh Cutting near South Molton and Portmore roundabout in Barnstaple. A range of measures were proposed including the widening of three sections of the road totalling 7.5km in length, together with junction improvements including a new overbridge, a new footbridge and associated landscaping works.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting. The Chief Planner reported on an amendment to the proposed Planning Condition 6 (Construction Environmental Management Plan) resulting from the Environment Agency's consultation response.

Agenda Item 12d

DEVELOPMENT MANAGEMENT COMMITTEE
30/01/19

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

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix I of the Report with an amendment relating to Condition 6 requiring details of work in respect of contaminants, that may affect ground water, made ground and soil, with any subsequent changes to the conditions being agreed in consultation with the Chair and local County Councillors.

* 70 **County Council Development: Teignbridge District: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow, Newton Abbot**

The Committee considered the Report of the Chief Planner (PTE/19/6) on an application for a 3 metres wide cycleway/pedestrian path from the end of Beverley Way to Steppes Meadow to help link the Ogwell Cross area with Newton Abbot town centre.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting. The Chief Planner also reported further representations from the Campaign to Protect Rural England (CPRE) objecting to the proposal as it was premature, in advance of proposed housing development in Beverley Cross.

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

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

RESOLVED that permission be granted subject to the conditions set out in Appendix I to the Report, with any subsequent minor changes to the conditions being agreed in consultation with the Chair and local County Councillor.

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

The Committee received the report of the Chief Planner (PTE/19/7) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.10 pm

PROCEDURES COMMITTEE

6 February 2019

Present:-

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

Apologies:-

Councillors S Aves and N Way

* **52** **Minutes**

RESOLVED that the minutes of the meeting held on 7 November 2018 be signed as a correct record.

* **53** **Items requiring urgent attention**

There was no item raised as a matter of urgency.

MATTERS FOR DECISION

54 **Report of the Independent Remuneration Panel - Members Allowances**

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2019. The Head of Democratic Services presented the Panel's Annual Report, on behalf of the Panel, highlighting specifically:

- that the conclusions and recommendations made by the Panel had been based on sound evidence;
- the Panel felt it was better to raise allowances incrementally, rather than being allowed to fall behind; and
- in view of the rise previously awarded, the Panel had conducted a more 'light touch' review for 2019.

Members welcomed the Panel's acknowledgment that while historically there had been little scope for improvement, the structure of the County Council's scheme remained fit for purpose with sound principles and noted that, in commending its Report to the Council, the Panel had not suggested any significant changes to the structure of the Council's scheme.

The Panel had nonetheless recommended a small number of amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration should be given by the County Council to the uprating of basic and special responsibility allowances, as set out in Appendix 1 of its Report.

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

RESOLVED

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and recommends the County Council accept recommendations (a) to (g), as outlined below.

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- (a) The basic structure of the current scheme is endorsed and retained;*
- (b) From May 2019, the Basic Allowance is increased to £12,859 (which includes the agreed 2% pay award for 2019) and the multipliers be recalculated accordingly. (See Appendix 1 for revised figures);*
- (note: £12,859 is the allowance rate for 2018 uprated in line with the 2% staff pay award)*
- (c) that the overnight rate for London be increased to £149.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London*
- (d) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- (e) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;*
- (f) The Panel keep a watching brief on the Devolution / Combined Authority Agenda to assess any impact on allowances;*
- (g) Current procedures for performance management could be strengthened and that Group Leaders take a robust approach to the performance management of their Members.*

* 55 **Notices of Motion at Council - Consideration of Alternative Ways of Working**

The Committee considered the Report of the County Solicitor (CSO/19/5) outlining how other Authorities dealt with Notices of Motion both at Council meetings and when they returned to the Council following consideration by the Cabinet, and presented a series of options for revising the process, which Members were asked to consider, notwithstanding no change to processes was also an option.

The Report outlined the current process for submitting and debating motions, as outlined in the Constitution, including the automatic referral to the Cabinet or other relevant Committee and also how the Cabinet recommendation (Cabinet minute) was dealt with at the Council meeting.

The Committee also noted the subject matter of motions submitted to the Council over the last three years.

The Report gave some background research on how other Authorities dealt with submitted Notices of Motion, including deadlines for submission (some requiring as many as 10 clear days), the distinction between Executive functions, referring Motions to the most appropriate decision making body, and also the presumption in some authorities that Notices of Motion which related to Executive functions did not come back to the Council at all.

The Report made suggestions for change including the current scope for the submission of Motions, how Motions were formally moved at the Council meeting, potentially changing standing orders to permit Members to speak on the content of the Motion and then how motions were treated and dealt with when they came back to the Council meeting for debate and determination.

Members discussed their ability, using the motions process, to bring matters to the Council that were of public interest, potential time limits for dealing with motions at Council meetings, other methods of debating issues (for example, spotlight debates), how other authorities / public bodies organised debates and how Members brought issues forward for debate generally.

Members also stressed the importance of not overloading the Council agenda with too many motions.

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

RESOLVED that a working group be established, comprising Councillors Chugg, Wright and Connett, to consider alternative mechanisms, including best practice from other Local Authorities / Public Bodies and also the issues raised in the Report and that the working group report back to the Committee in due course.

56 Cabinet Member Reports - Deadlines for Submission

The Procedures Committee was asked to consider the current deadlines for submission of requests for Cabinet Member Reports for the Council meeting. The current process was outlined on the agenda, as replicated below.

A regular item shall be placed on the agenda of all meetings of the County Council (Standing Order 5(1)(k) refers) to enable Cabinet Members to report, save in exceptional circumstances, in writing, on:

- *any decisions taken by the Cabinet (i.e. key decisions) or by them under delegated powers (i.e. routine matters); and*
- *any other areas of interest or service related developments relating to his/her remit that may have occurred since the previous meeting or are likely to impact on the service in the coming months; and*
- *any other issue or matter specifically requested by a Member (by no later than 12 noon on the day before the meeting), which cannot adequately be covered by the opportunity that already exists under Standing Orders for Members to submit a Notice of Motion or written questions to Cabinet Members or Chairs of Committees relating, particularly, to factual and local issues.*

Members noted the pressures on service areas to respond to such requests the day before the meeting and also highlighted the importance of having a mechanism to report on urgent matters.

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

RESOLVED that the current deadline for submission of requests for Cabinet Member reports for the Council meeting be amended to be brought into line with the deadline for submission of questions (12 noon, four working days before the meeting).

57 Notice of Motion - Heart of the South West Joint Scrutiny Committee (Local Enterprise Partnership)

The Committee considered the factual briefing note provided by the County Solicitor (CSO/19/3) in response to the Notice of Motion previously submitted to the Council Meeting on 6 December 2018 and referred to the Procedures Committee under Standing Order 6(6).

The factual briefing note had been prepared in order to facilitate the Committees discussion of the Notice of Motion outlined below:

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;

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(3) an opportunity for public participation should be provided;

(4) proceedings should be webcast.

It highlighted that the Mary Ney report, [Review of Local Enterprise Partnership Governance & Transparency](#), had been commissioned by the Government and published in October 2017 which contained advice that Scrutiny arrangements should be in place to monitor both the decision-making and achievements of the Local Enterprise Partnership (LEP). The new guidance '[Strengthened Local Enterprise Partnerships](#)' received in August 2018 was not detailed in terms of how any local arrangements should operate, but recognised the role of local authorities in scrutinising LEPs.

At a local level, it was intended to develop a proposal, independent of existing Scrutiny Committees, with a focus on Strategic Scrutiny of the LEP and its strategies, adding value and meeting the Government's requirements for LEP Scrutiny and the terms of reference / operating procedures were agreed by Members through all four constituent authorities between July and September 2018, including the Procedures Committee on [4th July 2018](#).

In terms of Membership of the Committee and in line with the requirements of the Local Government and Housing Act 1979, political proportionality wasn't considered to be appropriate to apply to the collective membership. However, where a Council appointed three or more Members, political proportionality would apply to those appointments in line with the legislation.

The first meeting of the LEP Scrutiny Committee (2nd November 2018), considered the guidance (which was not prescriptive in any way), and resolved that the processes agreed in relation to Scrutiny were currently fit for purpose. There was also a commitment to review and evaluate its operation to assess effectiveness, added value and consider whether any changes to its constitution and operation were necessary and / or appropriate. This review was scheduled for autumn 2019, to give time for the Committee to settle into its role and for the LEP's role in the development and delivery of the Local Industrial Strategy and the impact of its change of focus on its operation and relationship with the HotSW Joint Committee to become clear.

It was also noted that any changes proposed to the current model would be subject to the approval of the Constituent Authorities and may require wider consideration across the Heart of the South West Councils.

Members discussed the importance of continuity of membership of the Committee and also that they welcomed the opportunity to scrutinise the LEP.

RESOLVED that the Procedures Committee support the Motion in terms of the emphasis on transparency and open democracy and therefore recommends to the Council;

(a) that group leaders and whips be asked to consider the matter of representation and terms of appointment on the Committee when those allocations and appointments are reviewed prior to the Annual Council Meeting in May 2019; and

(b) that the issues of public participation at, and webcasting of, the LEP Scrutiny Committee meetings be raised as part of the evaluation of the operation of the Committee in Autumn 2019, highlighting that Devon supports both processes being introduced, notwithstanding any changes to the terms of reference will need to be agreed by both the Procedures Committee and subsequently all Constituent Authorities.

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

The Meeting started at 10.30 am and finished at 11.35 am

CHILDREN'S SCRUTINY COMMITTEE

21 January 2019

Present:-

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

Apologies:-

Councillors C Channon, I Chubb and J Hawkins

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 96 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 97 **Public Participation**

There were no oral representations received at the meeting from a member of the public.

* 98 **Announcements**

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

* 99 **Children and Young People's Emotional Health and Wellbeing Task Group - update on progress of recommendations**

The Committee received a Report from the Head of Education and Learning (CS/19/01) outlining further progress made against the recommendations contained in the Task Group Report dated June 2018, which was subsequently endorsed by the Cabinet.

The Report highlighted progress including:

- Early Help 4 Mental Health (EH4MH) continued to work with schools to promote positive emotional health and wellbeing and offer early intervention and support to children and young people; this Service included access to Kooth, an online counselling and information website specifically for young people;
- the Department for Health and Social Care had selected seven higher education providers to offer a new mental health practitioner course – Exeter University had been selected as part of this programme;
- revised guidance on supporting children with mental health issues was provided by the DfE in November 2018 and had been circulated to all schools;
- schools continued to be encouraged to have a mental health champion and to access the free training on offer from the EH4MH programme, which included mental health awareness, bereavement training, anxiety training, difficult conversations and attachment patterns;

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- EH4MH practitioners had provided resources and information to schools on local agencies and sources of support available;
- support for children with Autistic Spectrum Disorder was ongoing and a focus area of the SEND Improvement Board; and
- an updated Early Help action plan was submitted to the Ministry for Housing, Local Government and Communities in December which outlined how policy and practice in the local area was moving from the development stage to a more mature model which provided a system wide response to Early Help.

RESOLVED that the progress made against recommendations of the Children and Young People's Emotional Health and Wellbeing Task Group be welcomed.

* **100** **Exploitation Strategy 2019-2021**

The Committee considered the Report of the Head of Children's Social Care (CS/19/03) on the agreed Exploitation Strategy for Children 2018-21, which had been agreed by the Safer Devon Partnership in November 2018 and the Devon Children and Family Partnership in December 2018.

The Report highlighted that the previous Child Sexual Exploitation (CSE) Strategy 2015-18 had been agreed by the then Local Safeguarding Childrens Board. The South West CSE Peninsula Group had agreed that 'exploitation' should be considered more widely to include the challenges posed by economic, criminal and sexual exploitation. This had included issues around County Lines, radicalisation, exploitation, modern slavery and the Prevent Strategy.

Devon had also been successful in gaining innovative funding through central Government to undertake a project in Exeter and a project in South Devon, with a joint response from both Torbay Council and Devon County Council with the Safer Partnerships in both authorities to target the challenge of youth gang activity in South Devon.

RESOLVED that Devon's Exploitation Strategy 2018-2021 be noted and that further Member Development around Exploitation in Devon be arranged.

* **101** **Atkinson Secure Children's Home**

The Committee received the Report of the Head of Childrens Social Care (CS/19/05) on the Atkinson Secure Children's Home which provided secure accommodation to children across England. The Report highlighted that demand for beds far outstripped the supply available and it was not uncommon to be unable to provide a place in a secure children's home. The Atkinson Secure Children's Home was a welfare secure home where children were placed by professionals and courts who had determined that it was in their best interest, because of the risks to which they would be exposed in a non-secure setting.

The Atkinson Secure Children's Home was the only secure children's home in the South West and was very highly valued by neighbouring local authorities. The next closest home was in Hampshire. As a result, the DfE had invested significant capital in the Atkinson Secure Children's Home to support the Local Authority in the delivery of the function.

The Home had space for up to 12 young people; however staffing levels had not been sufficient to enable this number of placements; there were currently 5 young people in placement. These low levels of occupancy impacted adversely on budget forecast and the current occupancy level was not sustainable. Recruitment of residential care workers, who had the required resilience and skills necessary, was ongoing. Since April 2018, there had been three recruitment cycles and the process had been changed to offer candidates information sessions prior to making an application, and those candidates who were offered employment were invited to undertake a series of 'shadow shifts' to try before their final recruitment was confirmed.

Discussion points with Members included:

- intensive induction and therapeutic processes, including input from CAMHS, had been introduced to help recruit and retain staff in this specialist and highly demanding role;
- some Devon children had been turned away from the Atkinson Secure Children's Home due to lack of places; however it was noted that children did not automatically receive places as it depended on the current make-up of the children already placed at the Home; admissions decisions were the responsibility of the Registered Manager, who took into account the matching of children and staff and children with other children, ensuring they could all be safely cared for; and
- cross agency training to include the Police as well as social care staff, to ensure all agencies were appropriately trained.

RESOLVED that the Report be welcomed and an update be provided at the June Committee.

* **102** **Education Performance Report**

The Committee received the Report of the Head of Education and Learning (CS/19/02) on the latest performance measures, highlighting key areas including: Early Years, Children in Care, requests for Statutory Assessments, transfers from statements, rates of Elective Home Education, rates of absence, Parental Responsibility and Penalty Notices and Ofsted outcomes.

The Report highlighted a fall in the number of pupils claiming Free School Meals (FSM); this was not believed to be linked to Universal Credit as the numbers of FSMs dropped before this was introduced. It was also not linked to the take up of free child care or other benefits, and the Council was looking into the cause in the fall of numbers which could have been due to low unemployment rates in Devon which could mean that some families were no longer entitled to claim FSM.

* **103** **Children's Social Care Performance Report**

The Committee considered the Report of the Head of Children's Social Care (CS/19/04) on the challenges and pressures that continued to exist in parts of the Service, as well as the impact of significant efforts in recent months to bring about improvement in a number of practice areas. The majority of business information now available to leaders and managers in Children's Social Care Services was provided via an online portal which allowed users to better interrogate the available data. Members noted the launch of the Eclipse system on 21 January which would provide a full range of reports to managers with data updated daily.

Performance information related to contacts and referrals, single assessments, social care team caseloads, Children in Need, Children in care and care leavers, Child Protection (CP) plans, Service Priorities and Accelerated Improvement Periods.

* **104** **Children's Scrutiny Committee Work Programme**

RESOLVED that the current Work Programme be approved subject to inclusion of the following topics for future consideration and also those agreed at the meeting:

- SEND Ofsted visit; and
- SEN Annual Report.

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committeemeetings/scrutinycommittees/scrutinyworkprogramme/> and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

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CHILDREN'S SCRUTINY COMMITTEE
21/01/19

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

The Meeting started at 2.15 pm and finished at 4.15 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

24 January 2019

Present:-

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

Devon District Councils:-

Councillor P Bialyk

Apologies:-

Councillors P Crabb and A Connett

Member attending in accordance with Standing Order 25

Councillor A Leadbetter

* **103** **Minutes**

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

* **104** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **105** **Public Participation**

There were no oral representations from members of the public.

* **106** **Whole System Performance**

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

The Committee received and noted the Joint Report of the Head of Adult Commissioning and Health (Devon County Council) and Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) (ACH/19/98) on activity and performance across the wider health and care system based on performance data as at November 2018 (Month 8), including later data where available. The analysis and performance commentary focussed on a range of measures covering acute and community hospital settings, primary care and social care selected by system leaders to provide Members with a whole system view.

Members discussion points/comments with the Cabinet Member for Adult Social Care and Health Services, the Chief Officer for Adult Care and Health Services, the Head of Adult Care Commissioning and Health, Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) and Associate Director of Commissioning (Devon CCGs) included:

- future performance reports would be less process driven and more needs/outcome focussed;

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- the Devon winter plan had been reviewed by NHS England (NHSE) and initial feedback had been received by the Clinical Commissioning Group (CCG); and the key areas within the plan included improved patient flow, maximising capacity across the health and care system and preventing avoidable delays that may reduce the quality of care;
- work by the multi-disciplinary A and E Delivery Board which had included a focus on ambulance handover processes with significant improvements;
- data relating to urgent and emergency care NHS 111 and 999 calls and the proportions and numbers leading to emergency admissions; and more information was requested on response times, use of NHS 'apps', and new method of recording by SWAST;
- delayed Transfers of Care (DToC) and pressures within Exeter RD&E and Torbay and South Devon, mitigated by short term intervention and re-ablement; and on ongoing analysis to identify the reasons for the increasing numbers;
- analysis in terms of the increasing delays in treatments at the RD&E where other key indicators appeared to be positive;
- the increase in the number of unfilled packages of care and contingency arrangements in place;
- ongoing work force challenges across the health and adult social care, and initiatives to recruit and retain staff which was essential in ensuring consistency, experience and overall capacity;
- the contribution of the Improved Better Care Fund in terms of Delayed Transfer of Care rates; and
- cooperative working between the four acute hospitals.

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

RESOLVED

(a) that the care staff across health and social care be congratulated in meeting the challenges in difficult circumstances in relation to the reported increases in the (i) Delayed Transfer of Care rates, (ii) the unallocated care packages and (iii) waits for treatment; and the uncertainties created by Brexit and shortages of nursing staff especially in residential care homes; and

(b) that this Committee notes that future performance reports will address the above issues (including additional information as outlined) with a focus on outcomes achieved and progress in relation to the requirements of the NHS Constitution (which sets out rights for patients, public and staff).

* 107

STP Update and the Development of an Integrated Care System in Devon

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

The Committee considered the Report of the Head of Adult Commissioning and Health and the Director of Strategy, NEW Devon and South Devon and Torbay CCGs (ACH/19/99) on updates on the latest national developments and progress in Devon and how the Integrated Care System should operate and improve outcomes for the Devon population.

Members discussion points/comments with the Cabinet Member for Adult Social Care and Health Services, the Head of Adult Commissioning and Health and the Director of Strategy (NEW Devona and Torbay and South Devon CCGs) included:

- emphasis on prevention and the wider determinants of health and wellbeing as detailed in the NHS long-term plan relating to for example housing, leisure and parks (incorporating

social prescription) leading to a more integrated system with alignment of services and the evolution of the Health and Wellbeing Board in this wider system; and the imperative of Devon district authorities being part of conversations moving forward;

- use of new technology to assist with dependence and including digital appointments with GPs for example; and
- the amalgamation of the NEW Devon and Torbay and South Devon CCGs and the projected financial balance in 2019/20 and wider system balance for 2020/21 and a planned deficit for the providers of £40 millions.

The Committee noted that a stakeholder event with the Health and Wellbeing Board and Scrutiny with the NHS and other bodies would be arranged within the next few months.

* **108** **Promoting Independence in Devon - Annual Report**

The Committee considered the Report of the Head of Adult Commissioning and Health (ACH/19/99) on a summary of the Annual Report (or 'local account') of the adult social care functions of Devon County Council which included, a self-assessment, a range of evidence supporting the self-assessment; and links to further sources of external information.

Members discussed adult social care and dementia friendly communities especially in the rural communities with isolation issues and lack of accessible services.

The Annual Report would include a passage on the work undertaken by this Committee over the last year.

[N.B. a full version of the annual report could be found with the vision and plan:
<https://new.devon.gov.uk/care-and-health/adults/policies-and-procedures/adult-care-and-health-vision-planning-and-report/>]

* **109** **Improving Access to General Practice**

The Committee received a presentation on Improving Access to General Practice by M Procter, Director for Primary Care – Devon CCGs; and P Baker, Deputy Director for Primary Care – Devon CCGs.

The presentation covered what the CCGs were doing, the core offer (from October 2018) key challenges that were being addressed, uptake rates, future for procurement and public involvement; and survey content.

Members' discussion points with the representatives included

- the need for further data and information relating to access, numbers of GPs required any local shortages and recruitment and retention for example;
- issues surrounding closure of practices for example in Shebbear;
- patient lists ranging from 900/GP to 2400/GP depending on the skill mix available at a practice; and
- the importance of new technologies in making appointments and remote consultations/diagnosis and ensuring confidentiality within practices, one example being through good design of reception areas.

The Chair requested that a further report be presented to the June meeting of this Committee on the areas outlined above.

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HEALTH AND ADULT CARE SCRUTINY COMMITTEE
24/01/19

* **110** **Winter Pressures Update**

This item was withdrawn by the Chair (covered in Minute 106 above).

* **111** **Supporting Adults with Disabilities to be Independent, Safe and Part of the Community**

The Committee considered the Report of the Head of Adult Care and Commissioning (ACH/19/102) on people with disabilities in regard to learning disabilities, physical disabilities, autism and/or sensory needs.

Across Devon, Plymouth and Torbay authorities were committed to promoting the independence of people with disabilities. The joint strategy, Living Well with a Learning Disability in Devon 2018-2022, had been approved by the County Council's Cabinet in October 2018 following discussion of the strategic principles at previous Scrutiny sessions. <https://www.newdevonccg.nhs.uk/permanent-link/?rid=119946>

The refreshed strategy informed work across the health and care system in Devon to support people with all disabilities to be confident, resilient and connected.

The Council's Senior Commissioning Manager, Disabilities and Mental Health; and Assistant Director, Health & Social Care - Eastern discussion points with Members included:

- projects to assist and encourage employers and adults with disabilities into paid employment where appropriate; and the important role of Job Centre Plus;
- work by the County Council and its partners to recruit adults with disabilities into paid employment;
- Provision within the draft budget for Extra Care Housing/Shared Lives for adults with disabilities; and
- the role of the Devon Learning Disability Partnership Board to work together in partnership with stakeholders to help adults who have a learning disability and their families.

* **112** **Local Suicide Prevention Planning Approach**

The Committee considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity on the approach to suicide prevention in Devon.

Upper tier local authorities, via their Public Health teams, were responsible for producing a local strategy and action plan. Whilst this was not a statutory requirement, the Local Government Association, Public Health England and Association of Directors of Public Health all advocated for local plans. Following an investigation into suicide in 2016/17, the Health Select Committee further recommended that local plans be subject to Scrutiny to ensure that they were transparent, accountable and deliverable. In her role as Chair of the Health Select Committee, Dr Sarah Wollaston MP had written to all Local Authority Scrutiny members asking them to prioritise suicide prevention and keep a 'watching brief'.

Devon, in partnership with Plymouth and Torbay, had issued a strategic statement aligning the seven priorities in the national strategy:

<https://devoncc.sharepoint.com/:b/s/PublicDocs/PublicHealth/EZWx1r5XUWVBk0svqohfT4YBkUqmF2YeLKQa4T4VtMAqbQ?e=UrTm9y>

As each area had its unique geography and demography each Local Authority developed their own implementation plan:

https://devoncc.sharepoint.com/:b/s/PublicDocs/PublicHealth/EW4a_QNNT51HrvTS6henmGIB2dF1UtjnO-g2Cb26tvXjka?e=dblsih

The Senior Public Health Officer (Health Inequalities) discussion points with Members included:

- the key targets for Devon with reductions of 10% by 2021 and the DPT working towards no suicides in inpatient settings;
- the work of 'Pete's Dragons' in Exmouth and suggestion from members that the advice and views of the Royal British Legion and SSAFFA (the Armed Forces Charity supporting veterans and their families) should be sought;
- approaches to include the private as well as public sector organisations within the strategy;
- identification of gaps in the provisions of counselling services in Devon;
- the work of the Prison Partnership Board addressing suicide, and
- that the Officer was willing to talk to parish councils, the DPT and the CCGs about the strategy and would welcome any input about the implementation plan.

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

RESOLVED that following a review of the efficacy of the current strategy by the Standing Overview Group consideration be given to a Spotlight Review in due course.

* **113** **Understanding the Model of Care - Residential Care Homes/Personal Care Visits**

The Committee considered the Report of the Health & Adult Care Scrutiny Members (CSO/19/4) on a series of visits to health and care settings across the County to enable Members to get a first-hand account from staff of how the system was working, on how supported staff felt and whether there were issues of concern. The visits were about members getting a better understanding of the way in which the model of care in Devon was working operationally and the key issues affecting services from a frontline perspective.

Members reported that they had found the visits to be of real value and interest and indicated that other Members should endeavour to attend future ones. They noted from the case studies the relative high turnover of staff due in part to low wages in the care sector.

* **114** **Quality Accounts - 6 Month Update**

The Committee received the Report of the Health & Adult Care Scrutiny Members (CSO/19/06) on progress against health providers' Quality Accounts which detailed quality and safety improvements from the previous year as well as planned improvements for the year to come. On 15 May 2018 NHS providers delivered presentations to the Members of the Standing Overview Group on their Accounts for 2017-18 and priorities in terms of improvement for 2018-19. On 19 December 2018 the following providers had presented to members a summary of their Trust's Quality Account and progress for the first 6 months of 2018/19 in meeting priorities:

- Royal Devon and Exeter NHS Foundation Trust;
- Devon Partnership NHS Trust;
- Northern Devon Healthcare NHS Trust;
- South West Ambulance Service NHS Foundation Trust, and
- South Devon NHS Foundation Trust.

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HEALTH AND ADULT CARE SCRUTINY COMMITTEE
24/01/19

* **115** **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) Suicide Strategy (for consideration by the Standing Overview Group, prior to any agreement to undertake a Spotlight Review);
- (b) Rapid Response Service – update in June;
- (c) Carers – Spotlight Review, subject to the availability of performance data; and
- (d) 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/>]

* **116** **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) Update by the NEW Devon CCG on the proposed merger of NEW Devon CCG and South Devon and Torbay CCG.
- (b) Health & Care Insights from Torbay and South Devon NHS Foundation Trust.
- (c) Information on the completion of essential building work at Tavistock Hospital.

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

The Meeting started at 2.15 pm and finished at 5.55 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

29 January 2019

Present:

Councillors A Dewhurst (Chair), P Colthorpe (Vice-Chair), Y Atkinson, K Ball, R Bloxham, J Hook, J Brook, A Eastman, R Edgell, I Hall, M Shaw, C Slade and H Ackland

Apologies:

Councillors P Crabb and R Radford

Members attending in accordance with Standing Order 25:

Councillors S Barker, R Croad, A Davis, R Hosking and A Saywell

* **105** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **106** **Public Participation**

There were no oral representations from members of the Public.

* **107** **Capital Strategy 2019/20 - 2023/24**

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

The Committee considered the Report of the County Treasurer (CT/19/08) on the Capital Strategy 2019/20 – 2023/24. The Council, as part of the annual budgeting process, was required to produce an affordable Medium Term Capital Programme alongside its annual revenue budget. Additionally, this year for the first time, there was a requirement to prepare a Capital Strategy in line with the CIPFA prudential Code for Capital Finance in Local Authorities 2017.

The Capital Strategy set out the policy framework for the development, management and monitoring of capital investment. The strategy focussed on key principles that underpinned the authority's capital programme, and its short to medium term objectives as well as supporting the Council's strategic and operational objectives.

The Report would be submitted to the Cabinet and the County Council for ratification following consideration by this Committee.

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

RESOLVED that the Report be endorsed and commended to Cabinet, subject to:

- (a) the concerns raised by the County Treasurer regarding the revenue budget and the lack of any long-term financing from Government;
- (b) the identification of external funding sources being included within the Report; and
- (c) options appraisals being carried out prior to capital investment.

Agenda Item 12h

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
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* **108** **Treasury Management and Investment Strategy 2019/20**

The Committee received the Report of the County Treasurer (CT/19/07) on the proposed Treasury Management and Investment Strategy 2019/20 financial year, prepared in accordance with the revised Treasury Management Policy Statement and revised CIPFA Code of Practice for Treasury Management, to be submitted to the Cabinet and the County Council for ratification following consideration by this Committee.

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

RESOLVED that the Treasury Management Strategy 2019/20 be endorsed and commended to the Cabinet and County Council.

* **109** **Transport and Engineering Professional Services - Delivery Model Review**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/6) together with the Delivery Model Review of the Transport and Engineering Professional Services (TEPS).

The current TEPS contract between the Council and the private sector consultant Jacobs UK would expire on 31 March 2020 and the Report provided a summary of the review process undertaken to establish the most appropriate future delivery model beyond 2020.

A project was initiated to consider the different delivery models that were available nationally for the provision of TEPS and to recommend a preferred model. The objectives of the model were to reflect the key operating principles of the Engineering Design Group. Options appraisals were carried out and examples of delivery models considered included, Full in-house service delivery; In-house team with single top-up consultant; Local Authority Trading Company; Joint Ventures; and Fully externalised services with external consultants.

Members noted this was a very clear and well-presented Report.

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

RESOLVED that the proposal to adopt an internal team with top up consultant as the preferred model for delivery of the transportation and civil engineering design services from 2020 onwards be endorsed.

* **110** **Planned and Reactive Maintenance: Potholes and Drainage Task Group**

The Committee received the Report of the Planned and Reactive Maintenance: Potholes and Drainage Task Group and the recommendations contained therein. It was noted that this was a very clear and well-presented Task Group Report. The Chair of the Task Group expressed his thanks to everyone involved in the preparation of the Report.

An internal website should be available shortly that would provide information on highways works and also historic information. This would be trialled initially by the Task Group.

It was hoped that by raising awareness through the Highways and Traffic Orders Committees at Recommendation 1b would alleviate issues around communication.

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

RESOLVED that the Task Group Report be commended to Cabinet.

* **111** **Congestion and Air Quality Task Group Update**

(Councillor Croad 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 Planning, Transportation and Environment (PTE/19/4) which provided an update on the Council's work regarding the five recommendations made by the Air Quality and Congestion Task Group on 12 June 2018. It also reported on the Air Quality Management Areas (AQMA) in Devon and provided an update on changes to the wider social, political and technological contexts in which the Council operated.

From the eleven declared AQMAs in Devon, eight were currently showing 2017 NO₂ monitoring levels below the national objective. Current DEFRA guidance stated that if annual monitoring showed that air quality levels remained consistently below the threshold level for two years, the AQMA could be considered for revocation.

Discussion points with Members and Officers included:

- disappointment at the continuing congestion in Exeter and other major towns, whilst acknowledging the difficulty in changing behaviours;
- that AQMAs should continue to be monitored and not revoked after two years if levels remained low;
- the need to continue working with young people to encourage a change in behaviours and the availability of travel cards for young people;

It was **MOVED** by Councillor Atkinson, **SECONDED** by Council Ball and

RESOLVED that

- (a) a Report be prepared for the Committee on the impact of the Access Plan, looking at the 40 schools that were participating;
- (b) welcome how to encourage bus take-up amongst young people with additional work on definitions of Value for Money with exploration of whether external funding was available for this; and
- (c) that a Report be prepared for the Committee on the Local Transport Plan and schemes to look at and address congestion.

* **112** **Waste and Resource Management Strategy for Devon - Update**

(Councillor Atkinson declared a personal interest in this item by virtue of being a Trustee of Exeter Food Action.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/5) providing an update on the Waste and Resource Management Strategy for Devon. The Strategy was undergoing its 5-yearly review following the recent publication of the Government's Our Waste, Our Resources: A Strategy for England in December 2018.

The Report detailed the progress made on implementing the Strategy and would be reviewed again in 2019, influenced by the publication of the Government's own Strategy.

RESOLVED that a Spotlight Review take place to look at Food Waste and to include it in the Work Programme.

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* 113 **Scrutiny Work Programme**

RESOLVED that the following items be added to the Work Programme:

Food Waste – Spotlight Review
ScoMIS – Spotlight Review
County Lines - September

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

The Meeting started at 2.15 pm and finished at 4.58 pm