

*County Council
Thursday, 23rd May, 2019*

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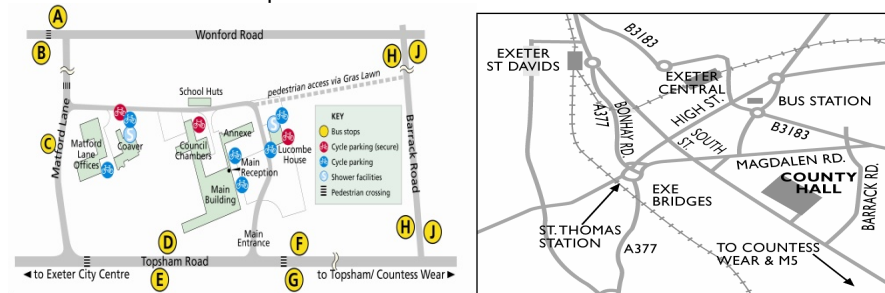
Car Sharing

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



NB   Denotes bus stops

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

First Aid

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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

15 May 2019

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 23rd May, 2019 at 2.15 pm.

Chief Executive

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

A G E N D A

- 1 Apologies for Absence**
- 2 Election of Chair**
- 3 Appointment of Vice Chair**
- 4 Appointment of Deputy Leader of the Council**
- 5 Cabinet Members and Allocation of Remits**

The Leader of the Council to move:

"that the Council note that Members shown in the Appendix circulated at the meeting will be appointed to hold office until the date of the Annual Meeting of the Council in 2020 together with the remits shown therein."

- 6 Minutes (Pages 1 - 24)**

To approve as a correct record and sign the minutes of the meeting held on 21 February 2019.

7 Announcements

8 Items Requiring Urgent Attention

9 Appointment of Committees

Councillor Hughes to move:

(a) that in accordance with Standing Order 21 the County Council appoints those Committees, Joint Committees and Working Parties/Panels as shown in the Appendix circulated at the meeting with terms of reference set out in the Council's Constitution or set out therein for the period expiring at the date of the Annual Meeting of the Council in 2020;

(b) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members of the Council be appointed as voting members to those Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels referred to at (a) above in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the proposed allocation of seats as between political party groups and set out for the time being in the Appendix circulated at the meeting;

(c) that, and in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2020;

(d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council;

(e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the Annual Meeting of the Council in 2020 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors.

10 Appointment of Chairs and Vice-Chairs of Committees

Councillor Hughes to move:

"that Members shown in the Appendix circulated at the meeting be elected Chair and Vice-Chair of those Committees as indicated therein to hold office until the date of the Annual Meeting of the Council in 2020."

11 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.

12 Petitions from Members of the Council

13 Questions from Members of the Council

Answers to questions from Members of the Council pursuant to Standing Order 17.

FRAMEWORK DECISION

NIL

OTHER MATTERS

14 Cabinet Member Reports

To consider reports from Cabinet Members.

15 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Investment and Pension Fund Committee - 22 February 2019 (Pages 25 - 30)
- b Audit Committee - 27 February 2019 (Pages 31 - 34)
- c Public Rights of Way Committee - 4 March 2019 (Pages 35 - 38)
- d Standards Committee - 4 April 2019 (Pages 39 - 44)
- e Procedures Committee - 17 April 2019 (Pages 45 - 50)
- f Appeal Committee - 13 May 2019 (Pages 51 - 52)
- g Children's Scrutiny Committee - 18 March 2019 (Pages 53 - 58)
- h Health and Adult Care Scrutiny Committee - 21 March 2019 (Pages 59 - 64)
- i Corporate Infrastructure and Regulatory Services Scrutiny Committee - 26 March 2019 (Pages 65 - 70)

16 Scrutiny Annual Report 2018/2019 (Pages 71 - 74)

To receive the Scrutiny Annual Report, a copy of which can be viewed on the web.

NOTICES OF MOTION

17 Public Health (Minute 186 of 21 February 2019)

To receive and consider the recommendations of the Cabinet (Minute 319(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Connett and referred thereto in accordance with Standing Order 8(2), namely:

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;*
- 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; and*
- 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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/9) and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved that the Council:**

(a) be asked to endorse the work of the Director of Public Health and the team in managing the Public Health Grant cuts and the challenges that this causes for improving the health of the population by thinking and working innovatively and creatively with wider partners to support improved outcomes;

(b) note that Budget announcements are known to arrive at this time of year and there will be transparency about the implications of that budget as part of the Council's budget setting process;

(c) note that the budget has been set for 2019/20 and no reductions are

currently planned or required as the budget reductions have been managed over time and were reported as early as 2016 and that impact assessments will also continue to be undertaken; and

(d) be asked to write to the Secretary of State for Health and Social Care seeking increased investment in Public Health and assurance that the investment in prevention in the NHS will support primary prevention and early intervention as well as secondary and tertiary prevention.

18 Saint Boniface - Patron Saint of Devon (Minute 187 of 21 February 2019)

To receive and consider the recommendations of the Cabinet (Minute 319 (b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Way and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/9) and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved that the Council:**

(a) note the work of the Boniface Link Association (Crediton) and also the mechanism by which Boniface is honoured in the national church calendar on 5th June;

(b) note the anticipated announcement by the Bishop of Exeter about an initiative that honours and commemorates St Boniface; and

(c) supports the work of the Boniface Link Association in working towards the adoption of St Boniface as the patron saint of Devon and in line with the letters of support received from the Bishop of Plymouth, Bishop of Exeter, Senior Pastor at Crediton Congregational Church, Crediton Methodist Church and Rector of the Orthodox Parish of the Holy Prophet Elias, also lends it support to the Notice of Motion.

19 Parental Leave Policies and Councillors (Minute 188 of 21 February 2019)

To receive and consider the recommendations of the Procedures Committee (Minute 60, 17 April 2019) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

This Council 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; and*
- *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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/10) and other suggestions or alternatives considered at that meeting **the Procedures Committee subsequently resolved that the Council be**

asked to note:

(a) that the Procedures Committee endorse the proposal of a parental leave policy for Members of the Council as a means of supporting those with caring and parental responsibilities and also to encourage more individuals from a range of backgrounds to stand for election; and

(b) asks the Independent Allowances Panel to formulate a scheme, with reference to both the model policy submitted as part of the Motion (prepared by the LGA Labour Women's Task Force) and also the model scheme recently circulated by the Chair of the Conservative Party, taking account of any best practice in other Local Authorities.

20 Free Personal Care

Councillor Biederman to move:

Devon County Council notes that over a million older people in England are struggling with unmet care needs and believes that in light of an ageing population we need bold changes to deliver a long term funding solution for social care.

Devon County Council believes that it is fundamentally unfair that to access basic care many older people face catastrophic costs that can run into hundreds of thousands of pounds, wipe out a lifetime of savings, and force families to sell their homes.

Devon County Council also believes that England's care system needs major reform to provide a long-term sustainable funding solution and to make care free at the point of use.

Devon County Council therefore supports Independent Age's call for the introduction of free personal care for all older people in England, alongside a new social care contribution to fully fund the policy on a sustainable basis.

Devon County Council calls on the Government to take the necessary steps to implement this policy as swiftly as possible to end the care crisis and properly support older people in Devon.

Devon County Council also calls on our local MP(s) to support the campaign for free personal care, and to speak up in favour of the policy in the House of Commons and through their wider engagements.

21 10 Point Green Action Plan

Councillor Wright to move:

This council notes its resolution on declaring a climate emergency in Devon, in February.

This council notes also that officers launched the policy on wildflower verges earlier this month. Huge congratulations to the officers who helped bring this about.

The government has now declared a state of climate emergency across the UK, following the actions of Extinction Rebellion.

Climate change and other human activity is now causing species to decline at a rate unprecedented in human history, with three-quarters of land-based environments and two-thirds of the marine environment significantly altered.

Devon County Council, with its positive record on the environment is well placed to work with others to help mitigate the catastrophe coming our way.

Therefore, this council agrees to:

- 1. Call on the government to offer all pollinators full legal protection from harm*
- 2. Write to all Devon outlets stocking bee harming pesticides, and urge them to permanently cancel their order with the suppliers*
- 3. Take action to phase out all glyphosate pesticides used in council weed spraying or any other council related activity, by December 2019 (there may be exceptional circumstances such as dealing with specific non native species, such as Japanese knotweed)*
- 4. Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023*
- 5. Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators*
- 6. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust to support Devon County Council tenant farmers to set aside five per cent of their land for tree planting*
- 7. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust on supporting town and parish councils, schools and community groups to set aside land for tree planting*
- 8. Develop a policy on soil health good practice, with an emphasis on allowing land to recover and phasing out damaging chemicals, which are ultimately sterilising the land. This would include setting appropriate and reasonable targets for Devon County Council tenant farmers*
- 9. Work with South West Water on a campaign to save water across the county, with an emphasis on education about future water scarcity. Specifically target town and parish councils, community groups and schools to raise awareness of the importance of good water practice*
- 10. Support Devon Wildlife Trust's campaign by calling on the Environment Secretary to allocate a further eight Marine Conservation Zones to Devon's waters. Details can be found on the DWT website - <https://www.devonwildlifetrust.org/take-action/marine-conservation-zones>*

22 Community Waste Reduction and Recycling Organisations

Councillor Hodgson to move:

Full Council recognises the valuable and considerable contribution community groups and associated enterprises make towards waste reduction and recycling. To this end it commits to continued financial support where a waste project has proved successful in supporting the delivery of the Council's waste services in line with its policies and priorities. Full Council further recognises that continued financial support can be vital to the viability of such organisations

The recent public consultation on the Reuse Credit Scheme (RCS) demonstrated the success and popularity of the three main community organisations who deliver these services and divert an extensive tonnage of waste from landfill for less than £50,000 p.a. These organisations have made a clear case that DCC financial support for their services is essential to their continued viability.

(when DCC ceased its funding of the large number of community composting groups, and reduced the landfill tax support it paid them for diverting waste - approximately 60 groups at the time- over half of them ceased to operate within 12 months; resulting in a major reduction in the volume of biodegradable waste being diverted from landfill)

23 House of Lords Select Committee - Rural Economy Report

Councillor Greenslade to move:

County Council give serious consideration to the House of Lords Select Committee on the Rural Economy report recently published to ascertain what conclusions are relevant to Devon and what lobbying steps may be appropriate for the County Council to take.

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](#)

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

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

Emergencies

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Induction loop system available

MAY 2019

