

*County Council
Thursday, 23rd May, 2019*

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

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

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

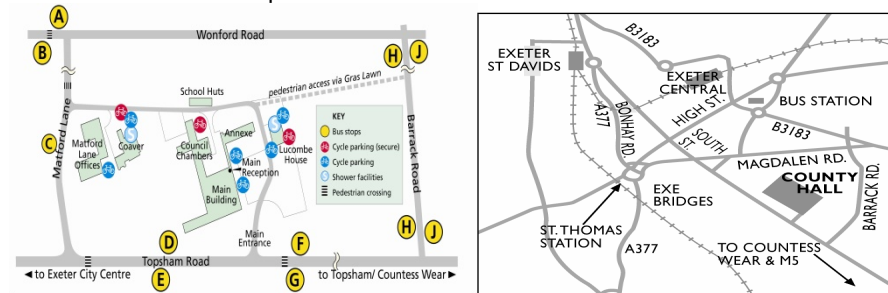
Car Sharing

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

Car Parking and Security

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

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



NB   Denotes bus stops

Fire/Emergency Instructions

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

First Aid

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



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

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-

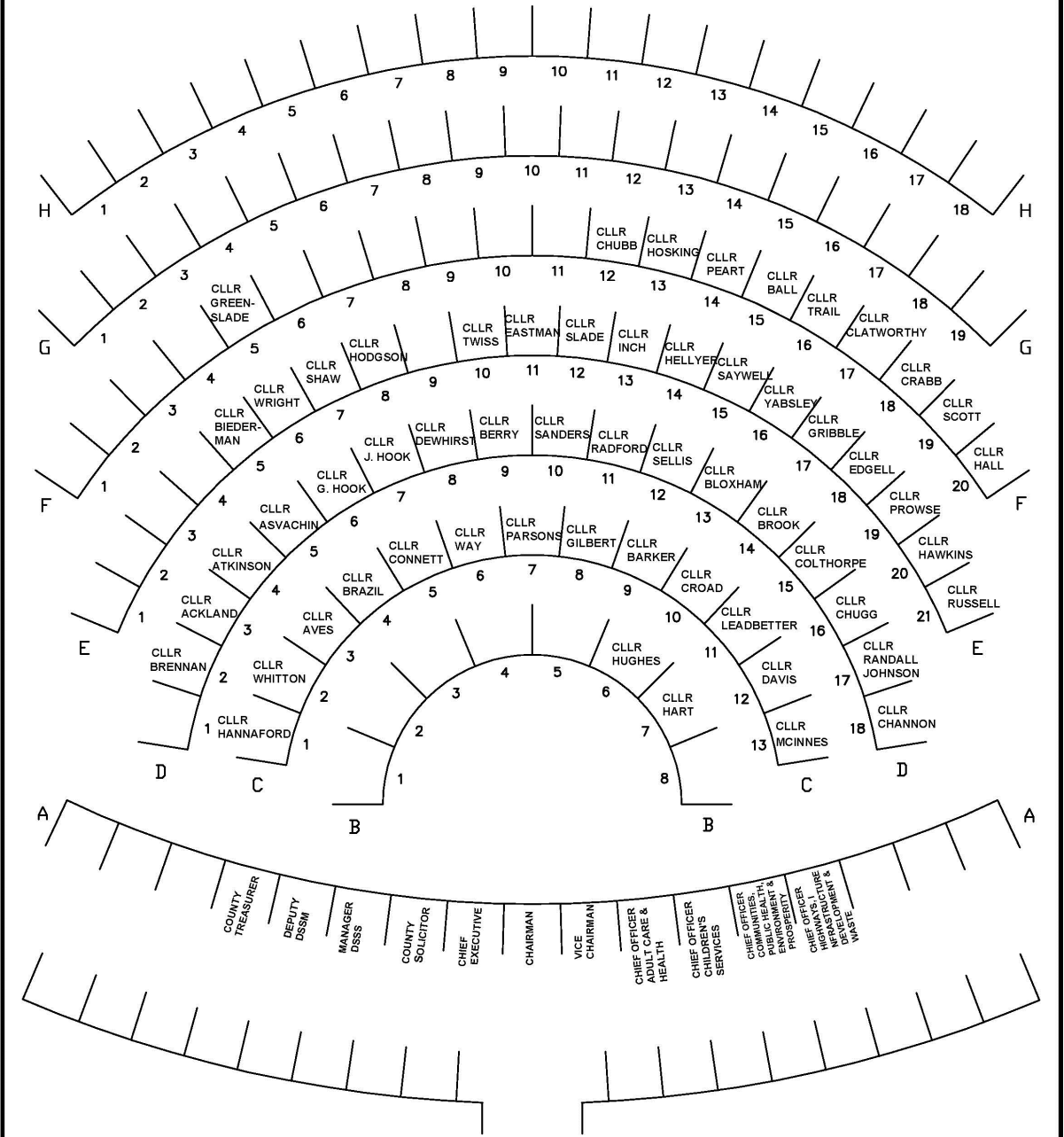
<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

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

<p>Access to Information</p> <p>Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but links are provided for convenient reference.</p> <p>Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website and can be accessed via the Modern.Gov App, available from all the usual stores.</p>
<p>Interests</p> <p>Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.</p>
<p>Questions from Councillors</p> <p>A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place.</p>
<p>Public Participation</p> <p>Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place. The name of the person asking the question will be recorded in the minutes.</p> <p>Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon 4 working days before the meeting takes place. The name of the person making the representation will be recorded in the minutes.</p> <p>For further details please contact Karen Strahan on 01392 382264 or look at our website</p>
<p>Webcasting, Recording or Reporting of Meetings and Proceedings</p> <p>The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/</p> <p>In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p> <p>Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.</p>
<p>Emergencies</p> <p>In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.</p>
<p>Mobile Phones</p> <p>Please switch off all mobile phones before entering the Committee Room or Council Chamber</p>
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 <u>or</u> email to: centre@devon.gov.uk <u>or</u> write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
<div>  <p>Induction loop system available</p> </div>

Council Chamber Seating

MAY 2019



COUNCIL

21 February 2019

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

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

Apologies:-

Councillors J Berry, J Brazil, E Brennan and B Greenslade

167 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 6 December 2018 be signed as a correct record.

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

168 Announcements

The Chair of the Council paid tribute to all those staff who went the extra mile to keep Devon moving during the January snow and ice and to those who continued to provide services to those in need.

She reported that Fairtrade Fortnight was approaching (25 February to 10 March 2019), where Fairtrade brought a producer to Devon to 'tell their story'. It was an opportunity to show the Council's commitment to Fairtrade, especially in Fairtrade Devon's 10th Anniversary year.

The Chair announced that Scomis, who worked on behalf of the Council in delivering high quality ICT and telephony services, had received national recognition at the BETT Awards. Furthermore, they had been invited to partake in the Parliamentary Review to be launched next month. The Council congratulated all at Scomis for their achievements.

Also highlighted was the event being hosted by the Chair on the 8th March (International Women's Day) for inspirational women who had made a difference in Devon. Residents had been asked to nominate the County's female community champions to celebrate these unsung heroes. There had been some 250 nominations.

Last, the Chair wished Alderman Saxon Spence a happy 90th birthday, sending the Council's best wishes and many happy returns.

169 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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170 **Public Participation: Petitions, Questions and Representations**

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to four questions from Member(s) of the public on highways officers and site visits at Crockernwell, spending on the road network, evaluation and investment in walking and cycling infrastructure, climate change and the views of research scientists, severity of the impact of climate change and the need to act for future generations.

The Cabinet Members responded verbally to one supplementary question arising from the above and would also respond direct to three questions received from members of the public, who were not present at the meeting.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Mr M Spurway on the IPCC Special Report published in October 2018 on climate change and the plan to enable the Council to go Zero Carbon by 2030, referring to current 'tipping points' in relation to climate change.

Further representations were made by Mr C Hughes and Miss S Hughes on the decision facing the council to declare a Climate Emergency and recent notifications that Carbon Neutrality by 2050 was not sufficient, was a continuation of the status quo and the impacts on the next generation.

There was also a verbal representation from Mr J Rose representing the youth interest in declaring a state of climate emergency for Devon and the next generation, referring to many other contributory factors such as plastics, agricultural systems and chemicals and deforestation.

Mr R Knight highlighted the success of the climate accord in Paris and Mrs G Westcott reported that the time to act was now. Ms Lopez and Ms C Byng spoke in support of the climate change motion and the importance of safeguarding the future.

Mr Yi Postelnik, offered a faith perspective on the matter of climate change, referring to moral injury.

Anthea Simmons, Spokesperson for Devon for Europe spoke on the Brexit Motion, also being dealt with later on the agenda.

The Chair thanked the presenters acknowledging that their representations had been heard by Members present.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

171 **Petitions from Members of the Council**

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

172 **Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to ten questions submitted by Members of the Council relating to the South Devon Highway and progress with Part One compensation claims, research by Sheffield Hallam University on the average spend on food and drink for council-funded residents and the figures for food in homes supported by the Council, the numbers of qualified specialist teachers for deaf children in Devon, specialist schools and the work being done

locally, regionally and nationally on this issue, Energy to Waste plants working at capacity, landfill waste and measures to increase recycling rates, public health activity champions, maintenance of cycleways and key routes, the response to previously submitted question relating to changes as a result of Integrated Care Management, infrastructure investment, the impact of a 'No Deal Brexit' for local authorities keeping children safe relating to cross-border police and judicial cooperation mechanisms and the recent climate change protest by young people and authorised absences from school.

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

[NB: See also responses to Questions referred to at Minute 170 above. 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].

173

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

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension.].

The Council considered the Minutes of the Cabinet meeting ([Minute 300](#) of 15th February 2019), together with the Report of the County Treasurer (CT/19/6) on the Revenue Budget for 2019/20, Medium Term Financial Strategy to 2022/23 and Capital Strategy 2019/20 to 2023/24, including an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment that identified risks associated with the budget strategy, together with how the risks would be managed. 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 and this was also included.

The book contained;

- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Strategy and Programme Overview 2019/20 - 2023/24;
- Service Budgets;
- Medium Term Financial Strategy 2019/20 - 2022/23;
- County Fund Balance and Earmarked Reserves 2019/20;
- Treasury Management Strategy 2019/20 - 2021/22 and Prudential Indicators 2019/20 - 2023/24;
- Risk Analysis of Volatile Budgets;
- Fees & Charges; and
- Abbreviations.

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 21st, 24th and 29th January 2019 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

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The Council noted that the Corporate Infrastructure and Regulatory Services Scrutiny Committee had at its meeting on held 29th January 2019 considered the proposed Treasury Management Strategy for 2019/20, and Capital Strategy, prior to determination of the budget for that year.

The County Treasurer's Report (CT/19/6) contained details of the County Council's revenue and capital budgets together with associated financial and operational information. The Council's financial plans were drawn up with reference to the Council's major policies and objectives, performance frameworks, demographic changes, consultation with local residents, businesses and other stakeholders.

The Cabinet Member for Resources Management commented that 2019/20 was the final year of the Government's four-year Local Government financial settlement and although core funding had been reduced by £13.5 millions (11.7%), to £101.5 millions, this was in line with expectations. The reduction had been offset to some extent by additional grants for Winter Pressures of £3.6 millions and Social Care Support of £6.1 millions. However, the overall picture was a significant reduction to funding at a time when there were huge pressures on Social Care services.

He also gave details on the Service budgets which totalled £493.850 millions, with Children's Services base budget being £135.153 millions (an increase of 9.4% from 2018/19), Adult Care and Health base budget was £232.599 millions (an increase of 2% from 2018/19), Communities, Public Health, Environment and Prosperity Services base budget was £38.577 millions (an increase of 0.7% from 2018/19). Corporate Services base budget was £32.974 millions (a decrease of 6.6% from 2018/19) and included inflation, pressures and NLW of £1.476 millions and required savings and income initiatives of £3.808 millions. Highways, Infrastructure Development and Waste Services base budget was £54.547 millions (an increase of 0.7% from 2018/19).

The settlement had set the Council Tax increase that would trigger the need for a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19. The Adult Social Care Precept regulations also remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Government then 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.

A Band D Council Tax would, if the proposed budget was approved, increase by 3.99% to £1,384.29. The Council Tax requirement for the Council was £401,663,454.61.

The Council acknowledged that a Budget 2019/20 Impact Assessment had been prepared previously and taken into account by Scrutiny Committees as part of their earlier deliberations together with those specific impact assessments undertaken as part of the budget's preparation or in relation to service reviews arising therefrom: to ensure all Members had all relevant information in having regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010 when considering the proposed budget, its impact and any mitigating action required, prior to making a decision. The preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time. The Impact Assessment had been made available to all Members of the Council for the purpose of the Scrutiny meetings, the Cabinet meeting on 15th February 2019 and this County Council meeting. A revised version had been circulated to all Members on 13th February 2019. <https://new.devon.gov.uk/impact/budget-2019-2020>

The Chair of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

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

The Chair then indicated that she would exercise her discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Barker **SECONDED** that Cabinet Minute 300 (a) – (v) setting out the proposed revenue and capital budgets as detailed in Report (CT/19/6) be approved.

In commending the proposed budget to the Council, the Leader commented this was the tenth year of reduced spending for Devon, with savings having been required every year. 2019/2020 was no exception with £13millions needing to be saved. He highlighted the aim was to protect statutory services and commended the budget to the Council as one that supported the old, young and the vulnerable.

Both the Leader of the Council and Cabinet Member for Resources Management paid tribute to and expressed gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2019/20. They also thanked other Members of the Council for their input into the Scrutiny process.

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Hannaford **MOVED** and Councillor Whitton **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

- a. *support the retention of the **£10,000** per elected member **Locality Funding** to ensure that local members can fulfil their local leadership roles and agree that that any remaining or unspent **Investing In Devon** funding, be allocated out equally to all members for local capital projects.*
- b. *support raising the **Social Care Precept** by **1%** to help relieve service pressures, and lobby parliament for a long term, cross party, progressive solution to the care crisis as a matter of urgency.*
- c. *support raising the **Council Tax** by **2.99 %** to help front line services for local communities, however registers deep concerns about the heavy reliance of using the **Council Tax system** to raise funds because of its very **regressive nature**.*
- d. *registers serious concerns over the potential loss of “**Troubled Families**” funding in 2020, and the loss of vital and crucial work around **early help**, and supports the proactive work being done to lobby and secure future funding streams.*
- e. *allocate **£2,000,000** per annum for a rolling programme to deliver **School Suitability Funding**, in addition to the Schools Expansion Programme, including **heating, energy efficiency, and invest to save measures**.*
- f. *allocate **£125,000** to the **Atkinson Unit** to secure new staffing arrangements on an invest to save basis through capacity and income generation.*
- g. *allocate **£150,000** for an additional three **SEND grade three case workers** to improve performance, operational effectiveness, and timeliness.*
- h. *allocate **£200,000** to respond to the **OFSTED SEND inspection** report, especially on condition and suitability issues.*
- i. *allocate **£85,000** to develop, establish and market an **SEND Interactive Care Portal**.*
- j. *allocate **£200,000** for **Children Centres transition work** with local communities and families to promote new service delivery models, in partnership with Action For Children.*

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- k. allocate an additional **£250,000** for the **Building Accessible Adaptations** to adequately meet service demands.
- l. allocate **£ 50,000** to **Domestic Abuse and Sexual Violence prevention work**, with a specific focus on **supporting children and young people**.
- m. allocate **£20,000** for **Period Dignity Pilots** in some selected local schools to provide **free sanitary products** to assess take up, and to improve school attendance, performance, and welfare.
- n. allocate **£450,000** to improve the **Transition Journey from Children's Services to Adult Services**.
- o. allocate **1,000,000** for **Economic Development Work**, to counter the effects of **BREXIT**, the recent **1,300 regional job losses**, and generally **promote innovation, enterprise, sustainable transport, resilience and diversification**.
- p. allocate **£800,000** to facilitate construction of **Okehampton Parkway Station** and infrastructure improvements for the reinstatement of the Exeter to Okehampton passenger service. This to be subject to a guarantee from Great Western Railways that a service will start in 2020.
- q. Allocate **£900,000** to **sustainable transport projects** within Exeter and its hinterland with particular emphasis on improving bus information and extension to bus/rail park and ride sites.
- r. Allocate **£300,000** for **public health**.

Items (e) to (r) total £6,530,000 millions and it is suggested that in 2019/20 this is funded from the Council's Budget Management Reserve.

Councillor Connett **MOVED** and Councillor Way **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

“A decade after the financial crash, people need to know that the austerity it led to is over and that their hard work has paid off...” Prime Minister, Theresa May

...But still the Conservatives short-change the people of Devon:

- £134 million cut in the Government's Revenue Support Grant since 2013/14
- Funding for our schools has got worse. Devon now gets £294 a year **LESS** per child compared to £265 **BEFORE** Devon's Conservative MPs lobbied for more money!
- We note with concern that Devon has lost 525 Teachers and Teaching Assistants in the last year alone
- The boiling-point pressure on the budget for Children's Services and for children with special educational needs.
- Cuts to Public Health and the pressure on Children's mental health services.

Devon Liberal Democrats propose investment in services by searching out waste, better efficiency, and focussing money where it will really help our communities, by:

- 1. Investing £400,000 to improve Mental Health Services for Young People.**
- 2. Putting an additional £1 million - for education and services for children with special educational needs.**
- 3. £500,000 for much-needed rural bus services.**
- 4. Creating a hardship fund of £60,000 - to support young people in Post-16 education with home to college travel.**
- 5. Improving highway drainage with £500,000 additional investment**

We will fund this investment of £2,460,000 million by:

1. Cutting waste currently being allowed by County Hall and efficiency savings:

- Save **£500,000** - by cutting the budget for expensive consultants and stand-in managers
- Cut spending on media, public relations and advertising **by £500,000** -
- Reduce spending on room hire to save **£ 140,000** -
- **Save £500,000** - from car allowances and mileage payments

2. **Transferring £820,000** a year from the Economic Development budget into these higher priorities.

Costs for the transformation of Economic Development and other services will be charged to the council's **Service Transformation Reserve, currently £10 million.**

Other financial steps:

Devon County Council to lobby government to end the switch from Council Tax to Business Rates loophole used by some second home owners and to allow local councils the power to charge up to 200% Council Tax on second/holiday homes.

Such measures would, it is believed, raise in the region of £10 million for Devon County Council from South Hams alone. Across the county, it is suggested the income could be in excess of £20 million.

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

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Biederman, Connett, Dewhirst, G Hook, J Hook, Shaw, Way and Wright: (Total: 8)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 40)

Abstained from Voting; Councillors Ackland, Asvachin, Atkinson, Aves, Hannaford, Hodgson and Whitton (7)

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

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)

Abstained from Voting; Councillor Prowse (1)

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

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the Motion; Councillors Ackland, Asvachin, Atkinson, Aves, Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hannaford, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Whitton and Yabsley: (Total: 46)

Against the Motion; Councillors Biederman, Connett, Dewhirst, Hodgson, G Hook, J Hook, Shaw, Way and Wright (Total: 9)

174 **Heart of the South West - Local Industrial Strategy**

The Council considered the recommendations of the Cabinet held on 12 December 2018 relating to proposals for the Governance arrangements relating to the Local Industrial Strategy.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of Cabinet be approved and that Governance arrangements relating to the Local Industrial Strategy, as set out at [Minute 265](#) of the Cabinet, be endorsed.

The motion was put to the vote and, nem con, declared **CARRIED**.

175 **Pay Policy Statement 2019/2020**

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2019 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2019/20.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2019/20 (and consequential changes to the Council's Constitution) as set out at [Minute 47](#) of that Committee be endorsed and the Constitution amended accordingly.

The motion was put to the vote and, nem con, declared **CARRIED**.

176 **Cabinet Member Reports**

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

(a) Policy, Corporate and Asset Management

Councillor Hart circulated a Report, as requested by Councillor Brennan on the impact that a 'No Deal Brexit' could have on the Council's finances, its ability to provide statutory services and any lobbying activities to Government.

The Leader referred to the current uncertainty of which Brexit scenario might prevail from the Parliamentary process and referred to the recent report in the Western Morning News to voice his concerns about the impacts on Devon's communities and economy. He also said how difficult it was to predict and plan for such an unprecedented event, but the Council was determined to play a lead role in assisting both communities and businesses.

The Leader then outlined the work of the Council in preparing for a 'No Deal Brexit', for example the role of the Local Resilience Forums, the updating of Business Continuity Plans to plan for this, working through professional associations to ensure the dissemination of information and good practice and pressing Government to release impact assessments to inform the planning and preparedness process.

Members were further advised that the Council had played a central role in advising Government about the place, service and community impacts of Brexit, including the Chief Executive chairing the HoSW Joint Committee's Brexit Resilience and Opportunities Group and also the work of the Economy and Enterprise Service. Brexit was also a standing item on the regular meetings of the Devon Emergency Planning Service.

In terms of the Council's finances, the Leader stated that the Council Tax increase from April 2019 had been determined, the business rates position was clear and the settlement agreed with central Government. In the short term, there would be no impact on the Council's finances. Longer term, there could be an impact on future business rates income and potential cost increases from imports and exports, but at present this was not possible to quantify.

Furthermore, the Council was in regular contact with business representative organisations and in relation to the recent business closures none had cited Brexit as a reason for closure. However, the Economy, Enterprise and Skills team were working with businesses to keep a close eye on performance and impacts on the Devon economy.

The Leader summarised by saying the Council had contingency planning in place to enable the provision of statutory services and also planning for all eventualities including any supply issues (e.g. fuel and food). Government recently announced that it had put funding of £56.5m aside to assist Local Authorities with Brexit planning, of which the Council had a share of £175,000.

(b) Economy and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford on the new contract awarded to BT and the installation of telegraph poles to improve connectivity and the relevant consultation and / or planning processes as part of this.

The Cabinet Member reported that Openreach had embarked on a "Fibre First" programme in February 2018 to upgrade its entire UK network to ultra-fast broadband. Locally, the intention was for coverage across Exeter City by the end of 2020. It was their own commercially funded network and not an awarded contract. Many locations across Exeter had some form of poled cabling, although public concerns had been raised in Pennsylvania and Exwick, both of which had an in-ground copper cable telecommunications infrastructure.

Whilst concerns were reviewed, a stop had been placed on erecting more poles in any locations where none currently existed and Openreach had agreed to remove the poles in Armstrong Avenue, pending an evaluation of alternative options.

Fibre poles were classed as 'telecoms infrastructure' under permitted development rights and did not require planning permission (covered in the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018). Up to 2013, new infrastructure had to be in-ground, however this was removed for 5 years. In the most recent amendment the requirement for in-ground installation had been permanently removed.

Liaison was continuing between the City and County Councils and Openreach.

He also responded to Councillor Hannaford, in writing, in relation to the current regional job losses (for example Appledore, Clarks, British Ceramic Tiles), analysis and other contributory factors and what might replace EU economic development funding, highlighting the current position with Babcock, based at Appledore shipyard, British Ceramic Tiles, based at

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Heathfield near Newton Abbot and Wolf Minerals, based at Drakelands mine, Hemerdon. He outlined how many people were employed at all sites and the direct GVA impact to the local economy and also the plans of the companies in terms of moving forward. For example, for Appledore there were relocations to Devonport, in relation to British Ceramic Tiles, Job centre Plus had been assisting and had advised that some ex-employees of British Ceramic Tiles had found or started work or were booked onto retraining courses. Wolf Minerals ceased operations in October 2018 and Job Centre Plus indicated that nearly all ex-Wolf employees had found work or re-training opportunities.

He also reported on matters outside of the Council area, for example the Barden Corporation and the closure of its Plymouth operation and Clarks shoes, based at Street, in Somerset and then potential changes to Devon based company operations, such as Premier Foods and the Ambrosia plant at Lifton (West Devon) where the site remained operational, but no further announcements made. Also, Flybe at Exeter Airport, but assurances continued to be sought by partners (including DCC) and work was ongoing to safeguard and enhance Exeter Airport and passenger operations there.

The Cabinet Member highlighted that in relation to European funding and UK potential replacements, a Government consultation on its proposed Shared Prosperity Fund (expected to replace elements of the current EU structural funds) was awaited. Programmes such ERDF and ESF were scheduled to continue post-Brexit, underwritten by the UK Government.

(c) Children's Services and Schools

Councillor McInnes circulated a Report, as requested by Councillor Hannaford on the Legal Aid cuts and family court work from a Devon perspective, including issues such as parental access to children, domestic violence, court processes, debt and housing issues.

In summary, the Cabinet Member highlighted that Legal Aid was reformed in 2013 to limit the number of areas of law that would be considered within "scope" without having to pass a separate exceptional case test. Legal Aid for the Council's core business (Childcare and Deprivation of Liberty cases) had not been changed by the 2013 reforms. However, changes to the "scope" of Legal Aid was likely to have had an effect on other areas of law that potentially touched upon the Council's core business (e.g. domestic violence for which no Legal Aid was available could ultimately lead to Childcare proceedings being commenced in respect of children living within the household in question). However, as soon as the Council issued legal proceedings, parents would become eligible for Legal Aid for the purposes of responding to those proceedings.

The Cabinet Member also reported the details of further Legal Aid reform due to be implemented by Autumn of 2019, recently published by the Government.

He also circulated a Report on the feedback from Ofsted and the CQC on the recent inspection of Devon's Local Offer for children with special educational needs and disabilities, including action being taken, as requested by Councillor Brennan. The Cabinet Member welcomed the opportunity to share the findings of the recent area inspection of SEND and the actions being taken to respond to the inspection's recommendations. The inspection findings had confirmed the partnership's own self-assessment and the Cabinet Member referred to the task and finish group, being chaired by Councillor Aves which focused on Education Health and Care Plans (EHCP). Inspectors had recognised that the strategies and plans in place were the correct ones, but were not yet sufficiently impacting on the lived experience of children and families in Devon.

Partners had affirmed their commitment to the Improvement Programme that was delivered by the multi-agency SEND Improvement Board and the Cabinet Member welcomed the opportunity to publicly express regret for the adverse impact on children and families and to affirm commitment to ensuring all necessary changes across the system were made.

The Report also highlighted the joint inspection that took place between 10 and 14 December 2018 on the effectiveness of implementing the special educational needs reforms as set out in the Children and Families Act 2014. From that, a Written Statement of Action (WSOA) was required to address four areas of weakness identified, including Strategic plans and local area SEND arrangements not embedded or widely understood, concern over communication with key stakeholders, particularly parents and families, the time taken to issue EHC plans and the variable quality and weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

The local authority and clinical commissioning groups were jointly responsible for submitting the written statement to Ofsted no later than Friday 10 May 2019.

The inspection also identified strengths in relation to positive academic outcomes, support for children with the most complex needs and the strong commitment and dedication from staff across the local area.

The Report then outlined the actions taken to date in respect of the four areas identified and it was noted that the rate of EHCPs being issued was now higher than the rate of requests received each week. In relation children with autism, the CCG would lead a piece of work to review the referral rates into support services.

The Cabinet Member also updated the Council on the two new special schools that had been agreed for children with autism needs – opening September 2019 and September 2020.

(d) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report as requested by Councillor Hannaford, on Community Transport and the ongoing work with the CCN, LGA and Ministers.

The Cabinet Member highlighted that the Transport Act 1985 made it possible for all community transport (CT) groups operating on a not-for-profit basis to apply for permits to carry passengers in a bus or minibus without requiring a Public Service Vehicle Operator's licence (PSV licence). The changes in 2017 raised questions on the wider community transport sector and specifically the interpretation of non-commercial/not-for-profit services, the requirements for a Public Service Vehicle (PSV) Operator's licence and the consequences of employing paid drivers.

A DfT Public Consultation followed in February 2018 and the Council submitted a formal response (see Cabinet Report from 11th April 2018). A response from the DfT was still awaited, but Local Authorities had been advised:

"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts."

The Council had maintained all existing contracts and partnership agreements with Community Transport operators in Devon.

A local authority working group (LAWG) had been set up by the DfT on which there was DCC representation. Two LAWG meetings had taken place.

The Community Transport Association UK (CTA) and the bus industry trade press announced that a Judicial Review Claim had been issued against the Secretary of State for Transport, challenging the DfT's and DVSA's failure to enforce PSV regulations against CT Operators. The High Court had subsequently approved the judicial review application specifically into the Government's interpretation of "non-commercial" operations under EU regulations.

The Council would continue to keep all local Community Transport providers up to date with regular meetings and monthly bulletins.

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He also circulated a written statement on the decline of insects, the impact of ecosystems, the recently published report (Biological Conservation Journal), the use of pesticides, urbanisation and climate change, in response to the request from Councillor G Hook. The Cabinet Member highlighted that the study reviewed 73 historical reports of insect decline and assessed the underlying drivers, reporting that 40% of the world's insect species were experiencing dramatic rates of decline. It referred to four main drivers such as habitat loss (intensive agriculture and urbanisation), pollution, biological factors and climate change. The conclusion was a rethink of current agricultural practices. The issue of insect decline had long been recognised in Devon, but the findings were also symptomatic of the wider degradation of ecosystems.

The Council's Environmental Policy, performance agenda, support for Devon Local Nature Partnership, formed part of the Councils response to such issues. The adoption of the Pollinator Action Plan (July 2016) and declarations of a 'Climate Emergency' are specific examples of the proactive approach being taken by the authority. A survey of the County Farms Estate showed there was limited use of neonicotinoids, but the Pollinator Plan stated the work with tenants to promote Integrated Pest Management Plans. Lastly, actions that communities could take to help insects would be promoted by the Council and Local Nature Partnership at the County Show as part of the contribution to the 2019 Year of Green Action.

(e) Highways Management

Councillor Hughes commented, as requested by Councillor Whitton, on any delays in the repair of street lights in Exeter, including action on any backlogs and whether any lights had been awaiting repair for more than 2 weeks.

The Cabinet Member reported the Council was responsible for approximately 88,000 streetlights across the County, of which approximately 12,750 were within Exeter. Typically between 20-30 reports per day were received of faulty streetlights and illuminated signs and the Cabinet Member outlined how faults were dealt with and the role of external contractors including WPD when power failures occurred.

At the end of January there were approximately 400 'outstanding' fault reports across the County which was less than 0.5% of stock, with 138 in Exeter. Whilst this was a small proportion, the issues were taken seriously and regularly monitored with SSE.

The Council was experiencing an increase in false reports of dangerous streetlighting which had drawn resource away from dealing with genuine issues. However, a recent decision by Cabinet had agreed to start work on a new tender for the maintenance of streetlighting for which robust and timely fault dealing would be a key component of the contract.

177 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	-	7 January 2019
Appointments & Remuneration Committee	-	15 January and 15 February 2019
Development Management Committee	-	30 January 2019
Procedures Committee	-	6 February 2019
Children's Scrutiny (ordinary meeting)	-	21 January 2019
Health & Adult Care Scrutiny (ordinary meeting)	-	24 January 2019
Corporate Infrastructure & Regulatory	-	29 January 2019
Services Scrutiny (ordinary meeting)		

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

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

Pursuant to County Council Minute 159 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

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.*

and having had regard to the advice of the Cabinet set out in Minute 290(a) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted, 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 and no further action 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.

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

Pursuant to County Council Minute 160 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

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

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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.

and having had regard to the advice of the Cabinet set out in Minute 290(b) of 9 January 2019

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

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.

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

(Councillor Shaw declared a personal interest in this matter by virtue of being a Member of the CPRE).

Pursuant to County Council Minute 161 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(c) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that whilst the County Council recognises and welcomes the engagement of the CPRE in the planning process it is also recognised 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 not necessary for DCC to commission work on the CPRE reports, therefore that no further action 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.

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

Pursuant to County Council Minute 162 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw 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.

and having had regard to the advice of the Cabinet set out in Minute 290(d) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Motion be amended and 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.

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

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of the following words;

The Council recognise that a 'No Deal Brexit' is likely to cause serious harm to Devon and calls on the Government and Parliament as a matter of urgency to take all necessary steps to prevent this situation from arising.

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

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

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

Pursuant to County Council Minute 163 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman 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.*

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and having had regard to the advice of the Procedures Committee as set out in Minute 57 of 6 February 2019:

Councillor Chugg **MOVED** and Councillor Hart **SECONDED** that the Procedures Committee's resolution be accepted and;

(a) that the Notice of Motion be supported in terms of the emphasis on transparency and open democracy;

(b) 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

(c) 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.

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

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

Pursuant to County Council Minute 164 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson 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.

and having had regard to the advice of the Cabinet set out in Minute 290(e) of 9 January 2019:

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

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.

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

Pursuant to County Council Minute 165 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson 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.

and having had regard to the advice of the Cabinet set out in Minute 290(f) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that spirit of the Notice of Motion be approved and that it be recommended that the Council writes to Devon's Members of Parliament (MP's), 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.

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

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED** that the motion be amended to remove the words 'thanking them for' and replace with 'whilst acknowledging'.

Councillor Hart indicated his intention to accept the amendment and the Motion was then put to the vote and declared **CARRIED**.

185 Climate Change (Minute 166 of 6 December 2018)

Pursuant to County Council Minute 166 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

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;*

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

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;*
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);*

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.*

and having had regard to the advice of the Cabinet set out in Minute 290(g) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion be amended to read that (a) 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.

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

Councillor Hodgson then **MOVED** and Councillor Biederman **SECONDED** that the Motion be amended by the addition of the following paragraphs c, d, e and f:

(c) Pledges to lead the county of Devon towards becoming carbon neutral by 2030, taking into account both production and consumption levels;

(d) calls on Westminster to:

- *Provide the powers and resources to make the 2030 target possible; and*
- *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.*

(e) Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;

(f) Report back to Full Council within six months with the actions the Council will take to address this emergency.

Councillor Biederman then **MOVED** and Councillor Wright **SECONDED** that the vote on Councillor Hodgson's amendment be by a roll call vote.

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

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

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

(In line with standing order 32(4) Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Hodgson's amendment be recorded)

186 Public Health

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

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*

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

187 Boniface Patron Saint of Devon

Councillor Way **MOVED** and Councillor Connett **SECONDED**;

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.

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

188 Parental Leave Policies and Councillors

Councillor Atkinson **MOVED** and Councillor Asvachin **SECONDED**;

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.*

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- *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.

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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.

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

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Councillor Mathews and Councillor Hosking.

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

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

The Meeting started at 2.15 pm and finished at 6.50 pm

INVESTMENT AND PENSION FUND COMMITTEE

22 February 2019

Present: -

Devon County Council

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

Unitary and District Councils

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

Other Employers

Ms D Healy

Unison and Retired Members: Non-Voting Observers

R Franceschini, C Lomax and J Rimron

Apologies: -

Councillors P Edwards, A Connett and A Saywell

* **93** **Standards Committee**

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

* **94** **Minutes**

RESOLVED that the Minutes of the Meeting held on 16 November 2018 be signed as a correct record, subject to the correction of the spelling of the name to read 'Councillor L Parker-Delaz-Ajete' in the list of attendees.

* **95** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **96** **Independent Advisor Arrangements**

The Committee noted the Report of the County Treasurer (CT/19/20) on the appointment by the County Treasurer (in consultation with a Panel comprising Members of this Committee) of Mr A Fletcher as the Independent Investment Advisor. The Committee welcomed Mr Fletcher to his first meeting.

* **97** **Devon Pension Board**

The Committee noted the Minutes of the Pension Board meeting held on 11 February 2019.

* **98** **Brunel Oversight Board**

The Committee noted the Minutes of the Brunel Oversight Board held on 1 November 2018.

* **99** **Brunel Update**

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The Committee noted the Report of the County Treasurer (CT/19/21) on progress with investment pooling, and the relationship with the Brunel Pension Partnership Ltd. The key issues over the last quarter had been the agreement of Brunel's Business Plan for 2019/20, and progress on launching portfolios. Brunel was also planning a governance review. This Report had also been considered by the Pension Board meeting on 11th February 2019.

* 100 Investment Management

The Committee considered the Report of the County Treasurer (CT/19/22) on the Fund value and asset allocation, performance against the benchmark, funding level, budget forecast monitoring and cash management, and engagement activity by the Fund's external investment managers. Members had also received the LAPFF Quarterly Engagement Report for the Quarter to December 2018.

The Fund value at 31 December 2018 stood at £4,032.8 million, a decrease of £300m over the quarter, following significant market falls over the quarter. As a result, the Fund value at the end of December was around £50m lower than at 31 March 2018.

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

RESOLVED

(a) that the Investment Management Report be noted;

(b) that the monthly reallocations from UK Passive to Global Passive be suspended, to be reviewed further later in the year; and

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

* 101 Treasury Management Strategy 2019/20

The Committee considered the Report of the County Treasurer (CT/19/23) on a proposed Treasury Strategy and plans to be followed in the coming year, shown in draft at Appendix 1 to the Report. The Strategy set out the current treasury position, cash investments, prospects for interest rates and the investment strategy and was broadly consistent to that agreed for 2018/19.

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

RESOLVED that the Treasury Management Strategy for 2019/20 as set out in Appendix 1 of Report (CT/19/23) be adopted.

* 102 MHCLG Policy Consultation: Fair Deal - Strengthening Pension Protection

The Committee considered the Report of the County Treasurer (CT/19/24) on a Ministry of Housing, Communities and Local Government (MHCLG) consultation called 'Fair Deal – Strengthening Pension Protection' which was running from 10th January to 4th April 2019 (attached at Appendix 1 of the Report). The consultation had taken into consideration some of the concerns which had been raised in a previous consultation released in May 2016 regarding the introduction of greater pension protection for employees of LGPS employers who were compulsorily transferred to service providers.

The 2016 consultation had proposed that, in line with the Government's Fair Deal guidance of October 2013, most LGPS members in this position should have continued access to the LGPS with the new service provider. Whilst there was general agreement with the approach the draft response nonetheless detailed some areas of concerns relating to definitions,

additional administrative burdens for Administering Authorities in relation to the 'deemed employer status' proposals and the need for further guidance.

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

RESOLVED that the Consultation response, attached at Appendix 2 of Report CT/19/24 be approved.

* **103** **Application for Admitted Body Status**

The Committee noted that the following application for admitted body status had been approved since the last meeting of the Committee: Exwick Ark, a new provider for a Devon County Council contract for Tresillian Nursery, commencing 1 January 2019 (closed agreement with 12 staff).

* **104** **Annual Consultative Meeting with Staff and Retired Members**

The Committee noted that the Annual Consultative Meeting was being held in the afternoon commencing at 2.15pm. Presentations would be made by Steve Tyson, in his capacity as Non-Executive Director of the Brunel Pension Partnership, Mark Gayler, Assistant County Treasurer, Daniel Harris, Head of Peninsula Pensions, and Charlotte Thompson in her role as lead officer for the Pension Board.

Members of the Committee were invited to attend.

* **105** **Committee Training**

The Committee noted the training day for Members of this Committee and the Pension Board on Thursday 28th March from 10am.

* **106** **Dates of Future Meetings**

28 June 2019, 13 September 2019, 15 November 2019, and 21 February 2020 at 10.30 am.

Dates of County Council meetings were available at online at:

<https://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

* **107** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business (Minutes *107 and *108) under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **108** **Employer Contributions**

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

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The Committee considered the report of the County Treasurer (CT/19/25) on employer contributions set following each triennial actuarial valuation and comprised two elements: • A primary rate – to meet the liabilities accrued during the year. • A secondary rate, or deficit contribution, to meet the employers' past deficit over a period of years.

The report outlined the situation with regard to the deficit contributions of one of the Fund's employers.

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

RESOLVED that the County Treasurer, in consultation with the Chair, be authorised to take the action as set out in the Report.

* 109 Strategic Investment Review

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

The Committee received the Report of the County Treasurer (CT/19/26) on a "refresh" of the review (previously carried out by Mercer investment consultants in 2016/17) of the Fund's investment strategy. The Committee also received a presentation from Mercer Investment on the changes from the last review.

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

RESOLVED

(a) that the medium to long term proposals set out in the Mercer report be approved in principle, subject to further review;

(b) that an additional £100 million be committed to infrastructure via the Brunel private markets team;

(c) that further reports be brought to the Committee to authorise transition of assets to Brunel at the appropriate time; and

(d) that the County Treasurer be authorised to issue a notice of termination of contract to LaSalle Investment Management in respect of the management of the property portfolio at the appropriate time when Brunel are ready to take on management.

* 110 Part 1 - Open Committee

RESOLVED that the press and public be now readmitted to the meeting for the following item.

* 111 Investment Strategy Statement

The Committee considered the Report of the County Treasurer (CT/17/27) on a proposed revised Investment Strategy Statement. Guidance required that the Investment Strategy Statement should be revised at least every three years, and/or when any significant changes were agreed.

Following the review of investment strategy undertaken by Mercer the revised Investment Strategy Statement (ISS) reflected the outcome of the review (Minute 108 refers). This set out the strategic asset allocation for 2019/20 and the opportunity had also been taken to make

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other minor amendments. The revised Investment Strategy Statement was attached as Appendix 1 of the Report.

It was **MOVED** by Councillor Bloxham, **SECONDED** by Ms Healy and

RESOLVED that the revised Investment Strategy Statement be approved.

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

The Meeting started at 10.30 am and finished at 1.07 pm

AUDIT COMMITTEE

27 February 2019

Present:-

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

Apologies:-

Councillors J Berry

* 44

Minutes

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

* 45

Items Requiring Urgent Attention

The Chair reported that following the work that this Committee has undertaken in raising the issue, a policy of conducting a Basic Disclosure and Barring Service (DBS) check for all Members of the Council has been adopted.

* 46

Doing What Matters Project

The members received a verbal update from the Head of Organisational Change and the Method Facilitator, Organisational Change on the continued work of the County Council's transformation approach called *Doing What Matters*.

During discussion reference was made to the following:

- The programme is being rolled out across the organisation over the next 3 years.
- Local communities are very much part of the redesign process.
- Projects are underway in a diverse range of areas including in Highways, Corporate Workforce Development, Children's and Adult Services.
- Concern about delays to the North Devon Social Hub project.
- Work that is underway to mitigate risks to the Local Authority.
- Timescales, and the need for a dedicated staff team to drive this work forward in terms of getting positive outcomes. This work only moving at pace where there are protected teams.
- The need to communicate *Doing What Matters* to all members, and the standing invite for councillors to G41 to get further information on the various projects the team are involved in.
- The potential for a scrutiny masterclass on *Doing What Matters*.

Members welcomed the presentation and noted the work being undertaken to drive organisational improvement.

* 47

External Audit Plan - Devon County Council 2018/19

The Committee received the report of Grant Thornton setting out the external auditors' audit plan covering 2018/19, including challenges and opportunities for the Council; developments relevant to the Council's business; materiality; significant risks; value for money; results of interim audit work; key dates for the audit work; new audit methodology and external auditors' fees.

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AUDIT COMMITTEE
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The external auditors highlighted to members an error on p.8, where the pension fund net liability should state £1.1 billion.

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

RESOLVED that the report and findings be noted.

* **48** **External Audit Plan - Devon Pension Fund 2018/19**

The Committee received the report of Grant Thornton setting out the external audit plan of the Devon Pension Fund covering 2018/19, including challenges and opportunities for the Council, wider developments relevant to the Council's business, significant risks, results of interim audit work, key dates for the audit work and the external auditors' fees.

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

RESOLVED that the report and findings be noted.

* **49** **External Audit Progress Report & Update**

The Committee received the report of Grant Thornton outlining the progress made in delivering their responsibilities as the Council's external auditors. The report also included a summary of emerging national issues and developments that may be relevant to the Council.

Grant Thornton updated members of the Committee on the progress they had made in completing their review of the objection they had received in respect of the 2017/18 financial statements of Devon County Council.

As part of this work, Grant Thornton had asked the Council to comment on the progress against the 11 recommendations and agreed actions that arose from their review of the objection received in respect of the Council's 2015/16 financial statements.

The Committee members were interested in the progress being made by the Council in this respect and asked for an update to be provided by Officers at the next Audit Committee meeting in May 2019.

The external auditors advised that they were satisfied with the assurances the Council has made.

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

RESOLVED

(a) that an update on progress against the 11 recommendations and agreed actions in respect of the Council's 2015/16 financial statements be provided by officers at the next Audit Committee meeting on 21 May 2019. Grant Thornton would also update the Committee on the determination of the objection itself at that meeting.

(b) that the report and findings be noted.

* **50** **Letter to 'Management' and 'Those Charged with Governance' from the Council's External Auditors**

The Committee received the letter to 'management' and those 'charged with governance' from the external auditors relating to the County Council's processes to prevent and detect fraud, and to ensure compliance with law and regulation.

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

RESOLVED that the letter and findings be noted.

* **51** **Internal Audit Plan 2019/20**

The Committee considered the report of the County Treasurer outlining key challenges and opportunities arising from the Council's corporate goals and strategic risk registers, overview of audit coverage, core activity including coverage days, annual governance framework, proposed reviews and associated risks and deferred reviews.

Members supported the County Council's zero tolerance approach to fraud both in terms of action being taken against any perpetrators and the work to ensure all necessary controls are put in place by the organisation.

Members questioned whether the GDPR focus in terms of internal audit work being undertaken was proportionate.

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

RESOLVED that the Internal Audit Plan for 2019/20 be endorsed.

* **52** **2018/19 Risk Management Update**

The Committee considered the Report of the County Treasurer which provided an update to the risk management process as support by Devon Audit Partnership.

Members welcomed the work over the last 18 months that has been undertaken in terms of risk management and felt some assurance that the County Council had become more risk aware. Members also highlighted the important role of scrutiny in terms of risk, and the regular risk reporting to the three scrutiny committees.

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

RESOLVED

(a) that the highest rated risks recorded in the Risk Registered be circulated to all members of the Council for their information.

(b) that the Committee notes the current summary risk position.

* **53** **Audit Committee Annual Plan 2019**

Members noted the Audit Committee Annual Plan and

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

(a) 21 May 2019 – update on progress against the 11 recommendations and agreed actions in respect of the Council's 2015/16 financial statements

(b) 29 July 2019 - Doing What Matters

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

The Meeting started at 2.15 pm and finished at 4.10 pm

PUBLIC RIGHTS OF WAY COMMITTEE

4 March 2019

Present:-

Councillors P Sanders (Chair), T Inch, J Brook, P Colthorpe, A Dewhirst, L Hellyer, M Shaw and C Whitton

* **86** **Minutes**

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

* **87** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **88** **Devon Countryside Access Forum**

The Committee received the draft minutes of the Devon Countryside Access Forum meeting held on 24 January 2019 which covered a range of matters. The next meeting of the Forum would be on 25 April 2019 at Cheriton Bishop.

Members raised the issue of sheep worrying and Officers reported that they had met with the Rural Affairs Police Officer for Devon to discuss rural crime issues. Guidance was on the Council's public rights of way web pages, encouraging the public to report any incidents of livestock worrying to the Police.

Members noted that the Teignbridge District Council Public Space Protection Order on dog control was soon to be implemented. This would also cover Stover Country Park.

* **89** **Parish Review: Definitive Map Review - Parish of Parracombe**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

(Councillor S Bastock on behalf of Parracombe Parish Council attended under the Council's Public Participation Scheme and spoke to this item in support of Proposals 2 and 3.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/16) which examined two of the three current proposals arising from the Definitive Map Review in Parracombe.

As to Proposal 2, Officers confirmed that Parracombe Parish Council would have an opportunity to comment on the further investigation regarding the status of Bridleway No 5.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a restricted byway between points G – H as shown on drawing number HCW/PROW/18/28a (Proposal 2) to resolve an anomaly affecting Bridleway No. 5 so that it meets a public highway at both ends, and that further investigation be made regarding the status of Bridleway No 5 in the light of the evidence set out in this report.

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

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PUBLIC RIGHTS OF WAY COMMITTEE
4/03/19

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by deleting a public bridleway between points J – L and adding a public bridleway between points J – K – L as shown on drawing number HCW/PROW/18/27a (Proposal 3) to resolve an error in the recording of Footpath No. 9 north of West Bodley.

* 90

Parish Review: Definitive Map Review 2017-2019 - Parish of Lympstone

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

(Mr Goddard attended under the Public Participation Scheme and spoke to this item against Proposal 2.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/17) which examined three proposals arising from the Definitive Map Review in the Parish of Lympstone in East Devon.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points A - B as shown on drawing number HIW/PROW/19/01.

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

RESOLVED that the making of a decision in respect of Proposal 2 be deferred pending further investigation as to the accuracy of paragraph 2.6.14 in the Report (HIW/19/17).

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

RESOLVED that a Modification Order be not made in respect of Proposal 3 and that it be noted that it is already recorded as highway maintainable at public expense.

* 91

Parish Review: Definitive Map Review 2018-2019 - Parish of Clayhanger - Borden Gate Parish Council

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/18) which examined the Definitive Map Review in the Parish of Clayhanger in Mid Devon, one of the three parishes now within Borden Gate Parish Council.

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

RESOLVED that completion of the Definitive Map Review in the Parish of Clayhanger be noted requiring that modifications be not made.

* 92

Parish Review: Definitive Map Review 2018-2019 - Parish of Huntsham - Borden Gate Parish Council

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/19) which examined the Definitive Map Review in the

Parish of Huntsham in Mid Devon, one of the three parishes now within Borden Gate Parish Council.

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

RESOLVED that completion of the Definitive Map Review in the Parish of Huntsham be noted requiring that modifications be not made.

[Note: in accordance with Standing Order 32(4) Councillor Colthorpe requested that her abstention from voting on this decision be recorded.]

* **93** **Parish Review: Definitive Map Review 2017-2019 - Parish of Sampford Peverell**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief officer for Highways, Infrastructure Development and Waste (HIW/19/20) which examined the second of the three proposals for change arising out of the Definitive Map Review in the Parish of Sampford Peverell in Mid Devon.

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

RESOLVED that it be noted that the route shown on drawing number HIW/PROW/18/017 is already a public footpath.

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

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/21) on decisions received from the Secretary of State.

* **95** **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/22) on a Modification Order confirmed as unopposed under delegated powers, namely Byway Open to All Traffic No. 21 and Footpath No. 15 Buckerell Definitive Map Modification Order 2018.

* **96** **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/23) on Public Path Orders made and confirmed under delegated powers, namely:-

Diversion Orders

- (i) Footpath No. 6, Coldridge Public Path Diversion & Definitive Map and Statement Modification Order 2018
- (ii) Footpath No. 7, Okehampton Public Path Diversion & Definitive Map and Statement Modification Order 2018
- (iii) Footpath No. 93, Bere Ferrers Public Path Diversion & Definitive Map and Statement Modification Order 2017
- (iv) Footpath No. 60, Sidmouth Public Path Diversion & Definitive Map and Statement Modification Order 2018

Agenda Item 15c

PUBLIC RIGHTS OF WAY COMMITTEE
4/03/19

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

The Meeting started at 1.00 pm and finished at 2.16 pm

STANDARDS COMMITTEE

4 April 2019

Present:-

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

Apologies:-

Councillors J Mathews

* 47 **Minutes**

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

RESOLVED that the minutes of the meeting held on 12 November 2018 be agreed as a correct record.

* 48 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 49 **Member Profile Pages - DBS Checks and Sanctions**

Members considered whether they wished to add further information to Councillors profile pages on the website.

Specific examples would be publishing whether a Member had undergone a Disclosure and Barring Service (DBS) check and / or whether sanctions had been applied or that a Councillor has no sanctions against them.

A profile page from Wigan Council was attached to the agenda as an example of an Authority who had done this.

Members discussed whether links might be a more appropriate mechanism, given much of the information, particularly with regard to Standards, was already published on the Council's website. They further discussed the expectations on those serving in public office and the need to strike a balance between the openness and transparency that the public expect whilst also respecting the privacy of those elected to serve.

Members also discussed the current requirement to publish home addresses on the website and the risks associated with this.

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

RESOLVED that links from Member profile pages be used to direct the public to any Standards matters relating to that Member and that it be recorded that Members have undergone a DBS check.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin, Mr Hodgins and Sir Simon Day showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

Agenda Item 15d

STANDARDS COMMITTEE
4/04/19

* **50** **Councillor Complaints Process**

Members were asked to consider making an amendment to the Councillor complaints process.

The Committee noted that the current procedure was that a Subject Member (who had a complaint made against them and the matter proceeded to a full investigation by an independent investigator) had the right to see a draft of the investigators Report. It was suggested this be amended so that the Subject Member had sight of both the draft Report and the final Report and the opportunity to comment and any feedback be presented to the Standards Committee.

Members suggested a timescale of 10 working days for the Subject Member to consider the Reports was reasonable.

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

RESOLVED that the procedures be amended in line with the above.

* **51** **Customer Feedback Monitoring Report**

The Committee considered the Report of the Head of Digital Transformation & Business Support on, compliments, comments and complaints received and handled by the County Council for Quarter 3 (October 2018 – December 2018).

The Report provided a quarterly update to the Committee on the volumes and themes for all types of customer feedback, as outlined above as well as letters from Members of Parliament and Complaints being dealt with by the Local Government and Social Care Ombudsman about the Council. The Report also provided information regarding the Council's performance in responding to and learning from the outcomes of complaints.

In relation to Stage 1 complaints (327 in quarter 3), there had been a continuous reduction received quarter on quarter during this reporting year; the only exception was in Children's Services which had seen an increase, outlined at Appendix 2 – table 3.

At Stage 2, there had been a continual decrease (29 Stage 2 complaints closed in quarter 3). However, the numbers being received per quarter were still higher on average than each quarter in 2017-18. Children's Services were again an exception, experiencing increases in numbers received throughout the reporting year. What was more concerning was the increase in the percentage of complaints upheld (across the board) compared to those upheld at Stage 1.

In relation to the Local Government and Social Care Ombudsman (LGSCO), there had been a gradual decline in numbers of LGSCO complaints in 2017-18, however, the numbers received were increasing in 2018-19 (Appendix 2 – table 10). However, there had been a decrease in maladministration and injustice findings within 2018-19 compared to 2017-18, which was positive. The Council had maintained an excellent response rate to the LGSCO. All LGSCO final decisions could be viewed on the LGSCO website – www.lgo.org.uk

Capturing compliments was important for the Council, but the Customer Relations Team were unable to report on compliments not shared with them, therefore the information presented could only be a partial picture.

The number of MP enquiries received in quarters 2 and 3 2018-19 showed a decrease compared to quarter 1. The reason for this was not known (Appendix 2 – graph 2). The Report highlighted there was a need for improvement in response times to MP Enquiries for the majority of services, although Digital Transformation and Business Support (DTBS) had maintained a 100% response rate throughout the year to date.

A representation was described as a comment or concern not intended or eligible to be a formal complaint but required a formal response and the Council continued to see a significantly lower number of representations received than in previous years. The general reduction was likely to be partially attributable to Highways managing their own representations, therefore the information presented was unlikely to give the full picture.

Members commented and asked questions on the following issues;

- the references to rudeness of staff (para 3.5) and what action the Council was taking on this;
- the role of the Leadership Group in oversight of the issues contained within the Report;
- the delays in response times to stage 2 complaints (para 4.2);
- timeliness of answering calls in the Customer Services Centre (notwithstanding this wasn't under the remit of the customer relations team); and
- how vexatious complaints were dealt with and the Council's policy on this.

RESOLVED that the Report be noted and the issues of high levels of perceived staff rudeness and timeliness in responding to stage 2 complaints be considered in more detail by the Leadership Group as part of their management oversight of the process.

* **52** **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CSO/19/1](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting, monitoring compliance by Members and Officers with the Council's ethical governance framework.

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

The Head of Democratic Services highlighted there was a tender for an upgrade to the DAW room which should address the sound issues highlighted by many of the Co-opted Members.

Members also reported on the comment in the Report which referred to the 'walking out of the Labour Group from the Chamber'. It was clarified there were Members of other parties who also left the Chamber.

* **53** **Local Government Ethical Standards - A Review by the Committee in Public Life**

The Committee considered the Executive Summary of 'Local Government Ethical Standards - A Review by the Committee in Public Life'. The full Report of the Committee on Standards in Public Life was available on the [web](#).

Members further recalled that the Committee previously submitted a [response](#) to the Consultation.

The Report outlined that it was clear from the evidence received that the benefits of devolved arrangements should be retained, but that more robust safeguards were needed to strengthen a locally determined system. Local Authorities needed to develop and maintain an organisational culture which was supportive of high ethical standards. Whilst an environment with limited external regulation was desirable, Councils needed the appropriate mechanisms in place to address problems when they arose.

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A number of the recommendations outlined in the Report involved legislative change which would be a matter for Government to implement. However, the 26 recommendations included issues such as an updated model code of conduct (created by the Local Government Association), candidates standing for or accepting public office not being required publicly to disclose their home address, clarity that Councillors should be presumed to be acting in an official capacity in their public conduct (including social media), amendments to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, establishment of a register of gifts and hospitality, new requirements on declarations of interests, the role of the Independent Persons to be strengthened and new requirements for their terms of appointment, powers of suspension for the Authority (with appropriate safeguards), powers to establish decision-making standards committee with voting independent members, Councillors having a right of appeal to the Local Government Ombudsman, updating the Local Government Transparency Code to require councils to publish annually details of complaints, subject matter and outcome, clarification of the legal position regarding barring councillors from Council premises or the withdrawal of facilities, abolishment of the criminal offences in the Localism Act 2011 on Disclosable Pecuniary Interests, new requirements for Parish Council clerk qualifications and Parish Council Codes of Conduct, disciplinary protections for statutory officers, whistleblowing policies and a named contact for the external auditor, Councillors being listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998, requirements to attend formal induction training and peer reviews including consideration of processes for maintaining ethical standards.

The Report also identified some 'best practice' for Local Authorities, which represented a benchmark for ethical practice which the Committee considered and discussed.

In terms of best practice 1 and 2 (prohibitions on bullying and harassment in codes of conduct and provisions in codes of conduct requiring councillors to comply with any formal standards investigation), the Council had amended its guidance to reflect.

Best practice 3 asked that principal authorities review their code of conduct each year and Members suggested this be an annual item for the Standards Committee to review.

The Code was accessible on the website, therefore fulfilled the requirement of the 4th recommendation and work has also taken place on the gifts and hospitality register, with the information now available on the Members profile pages (best practice 5).

A public interest test (best practice 6) had been written and was available from the Councillor complaints process webpages.

The Council was already compliant with best practice 7, 8, 9 and 10 regarding Independent Persons and relevant consultation mechanisms, publication timescales of decision notices and straightforward and accessible guidance on its website on how to make a complaint and the process.

The recommendations in relation to best practice 11 and 12 were not relevant to the County Council.

The Council had procedures in place to address any conflicts of interest when undertaking a standards investigation, addressing number 13 and also would take forward the suggestions of 14 relating to reporting on separate bodies (set up or owned by the Council) as part of annual governance statements.

In line with 15, senior officers regularly met with political group leaders or group whips to discuss standards issues.

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

RESOLVED that the Report be noted and that, in line with the best practice recommendation 3, the Standards Committee reviews its Code of Conduct on an annual basis.

* 54

Standards Committee Annual Report 2018/2019

The Committee considered the draft of the Standards Committee Annual Report for 2018/19 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future. The draft Annual Report had been prepared in an easy to read, accessible format.

The Report highlighted that the Committee met 4 times in 2018/19 with 3 ordinary meetings and 1 convened to consider the outcome of an investigation. Co-opted Members attended a further 23 meetings of the Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework.

It further referred to the number of complaints that had been received over the last 12 months, the nature of the allegations and the outcome of each of those.

The Council had also, following the outcome of one complaint and the resolution of the Standards Committee, arranged Sexual Harassment Training for all Members of the Council. Members commented that the training had been excellent and was welcomed.

During 2018 /19 the Council agreed a policy that Members would undergo a Basic DBS, unless they undertook some other role that necessitated an Enhanced DBS check, in line with relevant legislation.

The Report highlighted the review that had been carried out by the Devon Audit Partnership in early 2018 on Ethics and Ethical Governance and confirmed that the Council had a robust ethical framework in place. The review found clear dissemination, delivery, monitoring and maintenance of ethical standards and particular areas of strength identified was the monitoring being carried out by the Standards Committee and Member induction training.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and gave rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

RESOLVED that the Annual Report for 2018/19 be approved and published on the Council's website.

* 55

Local Determination of Complaints

The County Solicitor reported that, since the last meeting, 9 complaints concerning alleged breaches of the Members Code of Conduct had been received (there were 3 complaints in relation to one incident and 2 complaints in relation to a second) relating to undemocratic behaviour, failing to treat others with respect, speaking rudely to Members of the public, bringing the Council into disrepute, publication of 'erroneous' statements and misuse of email.

Following an initial assessment of each complaint involving the Independent Person appointed by the Council, no further action was taken on the complaints on the basis that either there had been no material breach of the Code that would warrant further investigation, or that the Councillor had been acting in a personal capacity and in one case the Subject Member apologised and the complaint was subsequently withdrawn.

In relation to further complaint received, this would be held in abeyance pending the outcome of court proceedings.

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

The Meeting started at 2.15 pm and finished at 3.30 pm

PROCEDURES COMMITTEE

17 April 2019

Present:-

Councillors C Chugg (Chair), J Hart, S Hughes, S Aves, R Hannaford, N Way and C Wright

Apologies:-

Councillors F Biederman and A Connett

* **58** **Minutes**

RESOLVED that the minutes of the meeting held on 6 February 2019 be signed as a correct record.

* **59** **Items requiring urgent attention**

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

The Chair had decided that the Committee should consider this item as a matter of urgency, to discuss concerns raised by some Members of the Council that the annual meeting of the County Council would take place on the same day as the European Elections.

The Committee noted the requirements of the Local Government Act 1972 that a principal council shall hold an annual meeting on such day in the month of March, April or May as the Council may fix. The Council's Constitution further stated that the Annual Meeting of the Council would be held during the month of May, unless otherwise directed by the Council.

Members discussed the logistical difficulties in changing the date at this late stage, notwithstanding the inability to obtain Council agreement to any such change in sufficient time to be compliant with the legislation. Officers had also explored the available facilities to host the meeting the following week, but again this had proved unfeasible to manage.

60 **Notice of Motion - Parental Leave Policies (Councillors)**

The Committee considered the factual briefing note provided by the County Solicitor (CSO/19/10) in response to the Notice of Motion previously submitted to the Council Meeting on 21 February 2019 and referred to the Procedures Committee under Standing Order 6(6).

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

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;*

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- *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

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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.

The factual briefing note from the County Solicitor (CS/19/10) on the issues raised by the Motion included the current position of there being no legal right to parental leave of any kind for people elected to public office. It also highlighted the work to date of the Local Government Association (LGA) Labour Women's Taskforce in drafting a model policy and also a Motion for Members to take through their respective Councils.

The briefing note also referred to the recent letter received from the Right Hon. Brandon Lewis MP (Chair of the Conservative Party) regarding the involvement of women in Local Government and asking that a parental leave policy for Councillors be introduced in Councils.

The briefing note also referred to the role of the Council's Independent Remuneration Panel who had previously looked at issues relating to attracting and retaining Councillors and the importance of a scheme of allowances that attracted a more diverse Council for the future, to represent communities. On that basis, their review in 2018 recommended changes to the dependent carers allowances so they better reflected the charging practices of many nurseries and child minders.

The Committee noted that the Independent Remuneration Panel would wish to be involved in any debate or consideration of a parental leave policy in view of their key role in assessing the allowances scheme for being an elected Councillor.

Members discussed that some other local authorities had implemented this policy, including Exeter City Council and that any model policy should consider fostering (para 1.8 of the model policy), ensure men were adequately represented and also whether special guardianship should be considered as part of the policy.

The draft policy would be checked for legal compliance.

RESOLVED

(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.

* 61 **North Devon District Council (Re-Organisation of Community Governance)(No 1) Order 2019**

The Committee received the information regarding the Order made by North Devon District Council which affected the Parish Boundaries of Barnstaple, Landkey, Swimbridge, Goodleigh, Bishops Nympton and South Molton within the District of North Devon.

They further noted the maps circulated with the agenda and that the information had been sent to all North Devon Councillors.

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

The Meeting started at 2.15 pm and finished at 2.36 pm

APPEALS COMMITTEE

13 May 2019

Present:-

Councillors J Hawkins (Chair), G Hook and P Twiss

Apologies:-

Councillors C Slade

* 133 **Minutes**

RESOLVED that the minutes of the meeting held on 7 January 2019 be signed as a correct record.

134 **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.

* 135 **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 at the end of the financial year 2018/19 and for the current financial year 2019/20.

* 136 **Deferred Appeal**

(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 125 All Saints - Axe Valley Academy (Route available).

* 137 **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:-

ST131 Hawkchurch to Woodroffe School Local County Councillor

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ST128 Bovey Tracey to Ilsington Primary	Appellant and Local County Councillor
ST132 Sidmouth to Exmouth CC	Appellant

RESOLVED:-

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

ST128 Bovey Tracey to Ilsington Primary

ST132 Sidmouth to Exmouth CC

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

ST131 Hawkchurch to Woodroffe School.

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

The Meeting started at 9.45 am and finished at 12.05 pm

CHILDREN'S SCRUTINY COMMITTEE

18 March 2019

Present:-

Councillors R Hannaford (Chair), S Aves, F Biederman, J Brazil, E Brennan, C Channon, I Chubb, J Hawkins, L Hellyer, R Hosking, J Mathews, A Saywell and C Mabin

Apologies:

Councillors D Sellis, G Gribble, T Inch and M Squires

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 105

Minutes

RESOLVED that the minutes of the Children's Scrutiny Budget Committee held on 21 January 2019 and the Children's Scrutiny Committee held on 21 January 2019 be signed as a correct record.

* 106

Matter of Urgency: School funding issues - Kingsbridge Community College

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

The Chair had decided that at the request of Councillor Brazil the Committee should consider this item as a matter of urgency because of concerns raised by Kingsbridge Community College in a letter sent to Parents/Carers dated March 2019.

The letter had been circulated to the Committee in advance of this meeting and set out the School's current concerns relating to:

- school budgets which had been reduced in real terms by 8% and by 20% at post-16;
- class sizes were rising and the curriculum offered was being restricted;
- schools were being asked to support with children's emotional health and wellbeing, without adequate resources; and
- the most vulnerable students in school – those from disadvantaged backgrounds or those with Special Educational Needs and Disabilities (SEND) – were bearing the brunt of cuts and schools were struggling to provide the levels of support they were entitled to.

Kingsbridge Community College had written to the Secretary of State for Education on three separate occasions since September 2018 to request a meeting with representative headteachers, but such a meeting had been declined.

The letter stated there was a 'Worth Less' campaign group that comprised 64 local authorities, covering thousands of schools and millions of families, giving a clear indication of the levels of concern felt by reasonable and moderate headteachers in England.

The Cabinet Member for Children's Services reported that the Council were doing a lot of work in the background under the f40 campaign and that every school in Devon had been contacted asking for case studies that could be used.

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

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RESOLVED that Cabinet be asked to write to the Secretary of State for Education requesting that he meet with Headteachers not only in Devon, but across the whole country, concerning the current school funding crisis and the impact it was having on schools, children and families.

* **107 Public Participation**

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

* **108 SEND Inspection update**

(Councillor Biederman declared a personal interest in this item by virtue of having a child with an Education, Health and Care Plan (EHCP)

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

The Committee considered the Report of the Head of Education and Learning (CS/19/09) which provided a Local Area Special Educational Needs and Disabilities (SEND) Inspection update.

The focus of the Local Area SEND Inspection was concentrated on three key areas, namely the effectiveness of the local area in *identifying, assessing the needs of, and improving outcomes* for children and young people who had special educational needs and/or disabilities.

A joint inspection was conducted by Ofsted and CQC in December 2018 and Her Majesty's Chief Inspector had determined that a Written Statement of Action (WSOA) was required to address the four areas requiring improvement, namely:

- that strategic plans and the local area's SEND arrangements were not embedded or widely understood by stakeholders, including schools, settings, staff and parents and carers;
- the significant concerns that were reported about communication with key stakeholders, particularly with parents and families;
- the time taken to issue Education Health and Care Plans (EHCP) and the variable quality of these plans; and
- weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

The draft WSoA would be shared with parents, schools and other stakeholders shortly. Actions that would lead to improvements were already underway and Inspectors would return within 18 months to assess progress and impact of the improvement programme.

Work was taking place to improve how people with autism were supported across Devon and to enhance provision and practice across all educational settings, schools in Devon had completed the Devon Enhanced Autism Programme of training.

The Cabinet Member for Children's Services and the Committee commended the hard work of all staff involved.

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

RESOLVED

- (a) that the findings of Devon's Local Area SEND Inspection and the requirement for the local area to produce a Written Statement of Action within 70 days be noted;

- (b) that the Inspection was of the area and not the Local Authority be noted;
- (c) that the actions already taken or in progress by the local area be noted;
- (d) that a Task Group be set up to inform and dovetail with the work in response to the findings of the Inspection, including transitions from children's services to adults' services;
- (e) that the Chief Officer for Children's Services be asked to consider writing to all parents/carers of children currently going through the EHCP assessment process, as well as to those who already have an EHCP, outlining the proposed improvements detailed in the draft Written Statement of Action; and
- (f) that a Masterclass be set up to further Members' understanding of Autism Spectrum Disorder.

* 109

SEN Annual Report

The Committee received the Children with Special Educational Needs Education Annual Report 2017/18.

Part A covered all children and young people with a statutory plan maintained by Devon including those placed out of Devon County, and Part B provided information on pupils with Special Educational Needs attending Devon schools regardless of which local authority maintained the EHCP.

The Report highlighted in particular:

- under Part A, local data indicated that as of January 2019 the number of pupils with an EHCP maintained by Devon had increased to 5,162, an increase of 26% on the previous year;
- the number of children with statutory plans moving out of mainstream had reduced significantly in 2017, especially in the secondary sector;
- as a percentage of SEN plans issued, the SEN appeals had decreased from 13.8% to 6.3%;
- the number of pupils with SEN who had been permanently excluded had fallen significantly in the last year, reducing from 0.50% in 2016/17 to 0.19% in 2017/18 and was currently 0.09%; and
- Elective Home Education had risen over the academic year, although the percentage with an EHCP had remained stable at 4.5%.

* 110

Education and Learning Q3 Performance Report

The Committee received the Report of the Head of Education and Learning (CS/19/07) 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:

- the take up of funding for two year olds had increased in the Autumn term 2018 to 91%, which was slightly lower than the same period last year (93%);
- outcomes for disadvantaged pupils and those on free school meals had seen a decrease this year and this along with lower progress figures for all pupils was a significant concern, however, work was being undertaken to better understand this;

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- Devon pupils whose first language was not English were performing in line with or better than nationally; and
- the percentage of young people who were NEET in Devon was slightly higher than the same period last year.

* 111 **Self-Assessment and Evaluation and the Ofsted Annual Engagement Meeting**

The Committee received the Report of the Head of Children's Social Care (CS/19/06) covering the Self-Assessment and Evaluation and the Ofsted Annual Engagement meeting in Appendices 1 and 2.

Children's Services complete a self-assessment each year as part of the Sector-Led Improvement programme put in place by the South West Region Association of Directors of Children's Services.

Ofsted introduced a new framework for the inspection of local authority children's services in January 2018 that required children's social care services to produce a self-evaluation of social work practice in advance of the Annual Conversation with Ofsted.

A Regional Peer Challenge took place in December 2018 in which Devon's self-assessment was challenged by colleagues from Bristol, which identified areas of strength and areas for development, as set out in the Report.

* 112 **Self Harm and Young People**

The Committee received the report produced by the Child and Adolescent Mental Health Services (CAMHS) Commissioner for NEW Devon and SDT CCG on self-harm which set out the National and International Context, Local data and Recommendations and Next steps.

Officers from South Devon and Torbay CCG and NEW Devon CCG presented the report.

The Report highlighted:

- that self-harm may be an indicator of a range of serious problems including mental health, dysfunctional family relationships, substance misuse, bullying and physical and sexual abuse and was an expression of underlying emotional distress;
- rates of self-harm had increased over the past decade in the UK and were amongst the highest in Europe;
- a national review of evidence around the impact of social media on children and young people's mental health was being conducted;
- self-harm admission rates across Devon were higher than the England average; and
- numbers of children and young people who were self-harming by poisoning seemed to be increased, with paracetamol being the main source of poisoning.

Members welcomed:

- further work through a joint standing overview group with Health and Adult Care Scrutiny; and
- CCGs' offer of mental health first aid and/or awareness training for Members.

* 113 **Children & Young People's Plan 2019 - 2022**

The Committee considered the Report of the Chief Officer for Children's Services (CS/19/11) and the presentation on the Children's and Young People Plan 2019-2022. The Plan's priorities to 2023 included Life Chances, Healthy and Well, Feel Safe and Protect from Harm.

The Devon Children and Families Partnership website would be used to share the Plan and other forms of media e.g. videos, to communicate the shared vision for children and their families. Briefings would be provided for staff across Devon using existing infrastructures.

The Chief Officer for Children's Services undertook to re-circulate the Plan and to organise a further Member briefing session, which would allow Members to influence the Plan before it was approved by Cabinet.

* 114

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:

- Youth Services
- Autism Spectrum Disorder (ASD) - Masterclass

[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>]

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

The Meeting started at 2.15 pm and finished at 6.00 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 March 2019

Present:-

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

Devon District Council

Councillor P Bialyk

Apologies:-

Councillors J Berry and J Yabsley

* **117** **Standards Committee**

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

* **118** **Minutes**

RESOLVED that the Minutes of the Budget and ordinary meetings held on 24 January 2019 2018 be signed as correct records.

* **119** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **120** **Public Participation**

There were no oral representations from members of the public.

* **121** **Integrated Care - Developing a long-term plan for Devon**

The Committee considered the Report of the Head of Adult Commissioning and Health (Devon County Council) and the Director of Strategy, NEW Devon and South Devon and Torbay CCGs on the emerging approach to developing a long-term plan for Devon.

The Committee had been previously briefed on recent developments in the Sustainability and Transformation Partnership (STP) and plans for developing Integrated Care. The Report referred to the NHS long term plan and the plan for Devon with the continuation of current partnership working and member engagement.

Members' discussion points/comments with 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:

- the process was about meaningful engagement with the communities of Devon and leading to a Plan to recognise and meet the needs of the population;
- the role of the Scrutiny Committee in helping shape the Plan;

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- use of collective resources across the health and care system (including Local Authorities and social housing) that would deliver and meet the needs of the population in accordance with the Plan (including the need to reference local pharmacy services, optometry, dentistry and GP services (commissioning to be transferred from NHS England);
- expected guidance from the regulators NHS England;
- progress of the CCGs' merger to create one 'footprint' for Devon by September 2019 noting existing joint commissioning arrangements from 1 April 2020 and co-location at County Hall and plans for full integration by 2020/21;
- the importance of the digital innovation, connectivity and integrated systems (the Director of Strategy undertook to share the digital strategy with Members);
- the STP's financial position with savings achieved in 2018/19 of £105m, which meant a planned deficit of £80m but with additional grant finding a projected outturn of £35m deficit for 2019/20;
- continuation of current governance arrangements including scrutiny engagement and a review of the role of the Health and Wellbeing Board; and
- the process for developing the Plan with Member involvement and engagement at all levels.

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

RESOLVED

(a) that Officers prepare a written description of the process and timescale for producing the long-term plan for the Committee to come to a view as to the robustness of the process to include the following elements:

- (i) a description of the overall process and timescale,
- (ii) a description of the plans for engagement at Locality, District, County and STP wide levels;
- (iii) the executive arrangements for progressing the development of the plan including the role and function of the Health and Wellbeing Board;
- (iv) a matrix or description of which issues might be best considered at which level; and
- (v) intentions in terms of the likely methods and material used to support engagement.

(b) that a draft of the Plan be presented to this Committee in order to enable Members to (i) understand how the Integrated Care Services model sits within the Plan, (ii) to consider whether the Draft Plan highlights issues for further scrutiny and to offer a commentary / challenge from a Scrutiny perspective; and (iii) to liaise with the Health and Wellbeing Board to ensure that there is a good understanding of the Board's perspective.

* 122

Local Area Special Educational Needs and Disabilities (SEND) Inspection Update

The Committee considered the Report of the Head of Education and Learning (CS/19/12) which gave an update of the Local Area Special Educational Needs and Disabilities (SEND) Inspection by Ofsted and the Care Quality Commission (CQC) on the effectiveness of the County Council in meeting its legal duties under the Children and Families Act 2014.

The focus of the Inspection was concentrated on three key areas as to the effectiveness of the local area on:

- identifying children and young people with special educational needs and/or disabilities;
- assessing and meeting the needs of children and young people with special educational needs and/or disabilities; and

- improving outcomes for children and young people with special educational needs and/or disabilities.

The Report covered the findings of the Inspection which had been held between 10 and 14 December 2018 and the requirement for a Written Statement of Action (WSOA) to address areas of weakness identified by Ofsted and CQC. This would set out the detailed outcomes and actions that the local area (and not just the County Council) would need to address the areas of concerns. The Report also detailed progress to date across the system.

The Committee noted that the Children's Scrutiny Committee had agreed at its meeting on 18 March 2019 to set up a Task Group to inform and dovetail with the on-going work in response to the findings of the Inspection, including transitions from children's services to adults' services.

Members' discussion points/comments with the Head of Education and Learning, Senior Commissioning Manager (disabilities and mental health) and Head of Women and Children's Unit in NEW Devon CCG) included:

- the objective to improve outcomes for children and young people from 0 -25 within the Devon County Council area and the work of the multi-agency SEND Improvement Board responsible for the Programme;
- the close working with the 'County Lines' team;
- the large increase in demand for EHCPs over the last 18 months and associated capacity issues and increased personnel; and continued tracking and monitoring of progress;
- improvements in the timeliness and quality within the NHS in their work on EHCPs working closely with Education and Social Care;
- the production of an online Induction Pack for all new staff involved with SEND children and young people to help embed good practice; and
- the relatively low number of exclusion of children with SEND noting the graduated approach before permanent exclusion and the relatively low level funding for Devon Schools and impact on the special needs.

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

RESOLVED

(a) that the findings of Devon's Local Area SEND Inspection and the requirement for the local area to produce a Written Statement of Action within 70 days be noted;

(b) that the Inspection is of the area not the Local Authority be noted;

(c) that the actions already taken or in progress by the local area be noted; and

(d) that the formation with the Children's Scrutiny Committee of a Task Group to inform and dovetail with the work of the Inspection, including transitions from children's services to adults' services be supported, and that Councillors Randall Johnson, Saywell and Whitton be nominated to serve.

* 123

Developing the Integrated Short-Term Offer

The Committee considered the Report of the Head of Adult Care Operations and Health (ACOH/19/01) on work to further develop the integrated short term offer in Devon to enable oversight of progress in this area.

The integrated short-term offer was a key component of the Care Model in Devon and the Report outlined the ambition, local opportunities and challenges in this service delivery area

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The Integrated Short Term Offer or Intermediate Care was defined in the National Audit of Intermediate Care in 4 categories: *'crisis response, home-based intermediate care, bed-based intermediate care and reablement and they respond to a range of health and social care needs'*.

The Report highlighted the core principles of intermediate care (from NICE guidance) of accessible formats and the description and activity of the current short-term services that operated in Devon.

The NHS and the County Council were using the improved Better Care Fund to significantly invest and develop these services and the ambition was to continue to integrate the current short-term services to ensure a seamless, safe and responsive offer that enabled people to maximise their independence and stay safe and well at home.

Members' discussion points/comments with the Head of Service for Adult Care Operation and Health and Deputy Assistant Director – Eastern (Health & Social Care) included:

- the continued challenges relating to recruitment and retention and different pay and terms of conditions across the various areas;
- the reducing number of unsupported discharge and care packages and delayed transfer of care with additional staffing on which detailed information would be provided in the regular performance reports to be presented at the Committee's next meeting; and
- increasing pressures arising from the closure of local residential care and nursing homes and closer working with homes by Health and the County Council.

The Chair and Members commended the reported improvements and good progress being made and noted that a detailed performance report would be presented to the next meeting.

* 124 Internal Audit Outline Audit Plan 2019/20

The Committee considered the Report of the County Treasurer on the internal audit activity within Adult Care and Health and the Plan for 2019/20. It outlined the proposed Audit Reviews and associated risks as agreed by the Audit Committee which would be developed and aligned to this Committee's work programme and subject to Members' views.

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

RESOLVED that the outline internal audit plan be endorsed subject to within the risk area *'Promoting independence for people with disability (including Supporting Independence contract)*, reference to issues relating to incomplete packages of care; and delayed transfer of care.

* 125 The Mental Capacity Act and Deprivation of Liberty

The Committee considered the Report of the Members (CSO/19/11) on a meeting of the Standing Overview Group on 20 February 2019 which had looked at the Mental Capacity (Amendment) Bill amending the Mental capacity Act 2005. The Report covered the provisions of the 2005 Act and the implications of the new Bill and issues which had been identified by Members at the Standing Overview Group meeting including concern about the Deprivation of Liberty Safeguards assessment waiting lists.

Following the passing of the Mental Capacity (Amendment) Bill a report on the implications to the Council would be submitted to the Committee. This was another area which could be considered for inclusion in the Audit programme (Minute 124 refers).

* 126

Work Programme

The Committee noted the current Work Programme subject to inclusion of the following topics (arising from this meeting) for future consideration:

- (a) the NHS Long Term Plan (Minute *121);
- (b) Audit Plan 2019/20 (Minute *124); and
- (c) Mental Capacity Act (Minute *125)

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

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

The Meeting started at 10.30 am and finished at 5.10 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

26 March 2019

Present:-

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

Apologies:

Councillors K Ball, J Brook and J Berry

Members attending in accordance with Standing Order 25

Councillors A Connett, P Prowse, S Hughes, R Croad, B Parsons and R Gilbert

* **114** **Minutes**

RESOLVED that the Minutes of the two meetings held on 29 January 2019 be signed as correct records.

* **115** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **116** **Public Participation**

There were no oral representations from Members of the Public.

Councillor Colthorpe in the Chair

117 **Call-in of Cabinet Member Decision - Fees and Charges: Highways**

(Councillors Connett and Prowse attended in accordance with Standing Order 25(2) and spoke to this item and Councillors Hughes attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

In accordance with the Scrutiny Procedure Rules, the requisite number of Members of the Council (Councillors Connett, Dewhurst, G Hook, Brazil and Way had invoked the call-in procedure in relation to the decision of the Cabinet Member for Highways Management relating to Fees and Charges: Highways. This was on the grounds of concern about the steep rises proposed, the justification for them and how the raised funds would be used.

Councillor Connett spoke on behalf of the Members who had called-in the decision to highlight that parking charges were set to rise by between 10% and 50% and if there was a policy that dictated this; the reason for the disparity between District and County charges; that shorter stay parking charges had not been reviewed for a period of 10 years; and how the additional income would be used.

Councillor Prowse reported that some towns allowed 30 minutes of free parking and how Exeter and other towns across Devon could benefit from this in order to boost footfall on the streets.

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The Chief Officer for Highways, Infrastructure Development and Waste and the Cabinet Member set out the reasons for the increase, namely:

- the policy for increasing parking charges was laid down in the Local Transport Plan with increases capped at no more than 50%;
- that although parking charges had been reviewed in 2016/17, this did not include short stay parking charges which had not been reviewed since launch;
- to minimise traffic congestion and to ease air quality;
- the revenue from parking charges was invested in e.g. public transport support across the County, the HATOC waiting restrictions programme and the Safer Camera Partnership, and was reported to the Cabinet each year; and
- the disparity between on and off-street parking was deliberate in order to encourage parking in longer stay car parks, thereby reducing recirculation of traffic.

Members raised concern at the increase of parking charges in various locations, including Exeter, Sowton Park and Ride, Ilfracombe B, Country Parks, Combe Martin and Newton Abbot which were responded to at the meeting. However, the Cabinet Member offered to review the position at Ilfracombe B and Courtney Street/Park in Newton Abbot as raised by the Local Members.

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

RESOLVED

- (a) that the Cabinet Member decision to approve the detailed schedule of fees and charges for Highways and On-Street Parking tariffs be confirmed, subject to the Cabinet Member giving further consideration to the specific areas of concern raised by Local Members at the meeting; and
- (b) that the Committee give further consideration to establishing a Scrutiny Task Group to look at parking fee policy in time for any future parking fee changes.

Councillor Dewhirst in the Chair

118

Connecting Devon and Somerset (CDS) - update

The Committee received the Report of the Head of Economy, Enterprise and Skills (EES/19/1) which provided an update on the five contracts that were awarded by CDS to Gigaclear in December 2016 to deliver ultrafast broadband across Devon and Somerset. A Stakeholder update briefing dated 15 March 2019 had also been circulated to Members in advance of the meeting.

The Airband contract covering North Devon, Torridge, West Devon and parts of Mid Devon aimed to complete by June 2020. However, the situation with the Gigaclear contracts remained uncertain and the company remained on notice of default. Pending a satisfactory outcome, CDS was withholding public subsidy and Gigaclear were continuing to build the network in the CDS area at risk from its own investment. It was hoped a resolution to the Gigaclear situation would be known by Summer 2019.

HM Treasury had responded positively to representations by the Department for Digital, Culture, Media and Sport (DCM) seeking a £18 million funding extension following the roll-out delays incurred by Gigaclear.

To date, the superfast broadband programme had provided access to more than 300,000 homes and business. The take-up rate for new services currently stood at 54% and was generating significant resources for reinvestment, due to the Government's Gainshare agreement with BT.

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CDS were joining the Government's Better Broadband Voucher Scheme which was being launched in April, where any home or business with less than 2 Mbps and not part of planned deployment from another scheme within the next 12 months could request a voucher. Members were urged to ensure their local communities were aware of the Scheme and the Head of Service would send the appropriate weblink to Members for circulation.

In discussion with Members and Officers, points included:

- that future reports should be written in 'plain English';
- Members were very frustrated at the continuing delays, but acknowledged that conducting another tender exercise would cause further delays and not necessarily improve delivery; and
- that it would be useful to have a map identifying the 'black holes' across the County, particularly Exeter, where coverage was inconsistent.

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

RESOLVED

- (a) that the Head of Scrutiny be requested to write to the Cabinet expressing the Committee's disappointment and concern at the continuing delays of Gigaclear;
- (b) that the Task Group Report be referred back to the Cabinet for reinforcement of the recommendations made therein;
- (c) that an update on the superfast broadband programme be circulated in June to all Members of the Council; and
- (d) that an update be provided to the Committee in June, regardless of whether any progress had been made.

* **119** **Highways Winter Service Task Group**

The Committee received the Report of the Highways Winter Service Task Group and noted the recommendations contained therein. Thanks were expressed to everyone involved in the production of such a comprehensive Report

Members welcomed the Report and noted that an update on the progress of the recommendations would be brought back to the Committee in six months' time.

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

RESOLVED that the Task Group Report be commended to the Cabinet.

* **120** **Highways Performance Dashboard**

(Councillor Scott attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee)

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/29) on the Highways Performance Dashboard, which had been created following a recommendation of the Planned and Reactive Maintenance: Potholes and Drainage Task Group, giving an overview of the performance of Devon Highways and providing the following information:

- current status of carriageway defects (potholes);
- performance of the cyclical drainage cleaning programme; and

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- overview of the delivery of programmed maintenance.

The Chief Officer for Highways, Infrastructure Development and Waste reported that Members would be sent a weblink to the performance dashboard when it went 'live', which would hopefully be by the summer.

RESOLVED that a performance report including gully cleaning and drainage works be presented to the Committee in June.

* **121** **Highways Maintenance for Communities - findings of the East/Mid Devon trials**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/30) which provided an update on the performance of the Public Interface Portal (PIP) triage trial that had been carried out in the East Devon and Mid Devon areas in advance of formal adoption of the new process.

The Report covered, Issues associated with the PIP; Impacts of the PIP process; Aims and Details of the trial; Results of the trial; Other improvements and Future direction/aims.

* **122** **Income Generation**

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

The Committee received the Joint Report of the Head of Digital Transformation and Business Support, and the Head of Economy, Enterprise and Skills (EES/19/2) which provided an update on the progress made by the three service areas highlighted as examples of best practice by the Task Group in September 2016, namely Asset Management, Scomis and Trading Standards. This had been requested by Members at the Scrutiny meeting on 25 September 2018.

Devon Norse was a joint venture company with the Council holding a 20% equity share which provided facilities management, catering and cleaning services. A review was currently being undertaken to consider future delivery options.

NPS SW Ltd was also a joint venture company with the Council holding a 20% equity in the company with its profit share reducing the overall costs of the property management services provided to the Council.

The Council continued to generate income and review opportunities for increasing income where appropriate and within the parameters of the Treasury Management Report. The Council's Estates Strategy had delivered significant capital receipts and revenue budget reductions. Scomis and Trading Standards had both increased their respective levels of income generation and undertaken innovative new initiatives.

Discussion points with Members and Officers included:

- the setting up of Masterclasses focussing on Scomis and the Devon, Somerset and Torbay Trading Standards Service, to include Members' visits to each service area.
- the Devon Norse joint venture contract expiring in 2021 and the wish of Scrutiny to be involved in the review of future delivery options;
- a Member Workshop on 11 April 2019 to look at what options were available for the Council's future provision of property consultancy services, where the current contract with NPS SW expired in March 2022 (the Head of Scrutiny agreed to re-circulate details to Members);
- the Head of Digital Transformation and Business Support undertook to provide Members with clarity on paragraph 3.2.4 of the Report relating to NPS SW Ltd; and
- the success of Scomis.

* **123** **Flood Risk Management - update**

The Committee received the Report of the Head of Planning, Transportation and Environment (PTE/19/16) which set out the ongoing progress made by the Council's Flood and Coastal Risk Management Team acting as the Lead Local Flood Authority in accordance with the Devon Local Flood Risk Management Strategy.

The Report provided an update on the resolutions made at the Scrutiny Committee in November 2017, including the resources and performance of all Risk Management Authorities in their delivery of the Devon Local Flood Risk Management Strategy; a jointly prepared overview of key flood risk issues/priorities across Devon; and the adequacy of arrangements in place for Sustainable Drainage Systems in new development.

The Report stated that all major developments had to provide a suitable surface water management system that would mimic pre-development greenfield run-off rates and that a robust maintenance regime was in place. Members voiced concern at this and felt it was preferable that water companies should take on responsibility for sustainable urban drainage systems.

* **124** **Scrutiny Work Programme**

RESOLVED

- (a) that the Scrutiny Work Programme be moved to an earlier slot on future Agenda; and
- (b) that Masterclasses on Scomis and Trading Standards be added to the Work Programme.

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

The Meeting started at 2.25 pm and finished at 5.10 pm

Scrutiny Annual Report



Chair's Review

This has been a busy year for Scrutiny, as well as ten reviews undertaken and more than twenty visits to frontline services, we have also held a National Conference with over seventy delegates!

Scrutiny activity over the last year has continued apace with a variety of reviews. Concerns about mental health have been seen in the pieces of work; the Children and Young People's Emotional Health and Wellbeing Task Group and the Gambling Spotlight Review. Three task groups have been held to respond to highways concerns on speed, maintenance and Winter. Health and Adult Care Scrutiny has had a key role influencing the emerging Integrated Care System and the development of a Long-Term Plan for Devon, with specific work on the Rapid Response Spotlight Review.

Many Councillors have also taken part in the comprehensive programme of visits to frontline services, furthering their understanding and improving the quality of critical friend questioning.

Scrutiny Chairs express their thanks to all Scrutiny Committee Members, recognising in particular the valuable contribution through Task Group investigations and Spotlight Reviews. The support of the dedicated team of Scrutiny Officers, coupled with the expertise offered by the two special advisors continues to be highly valued.

Councillor Alistair Dewhirst, Chair of Corporate Infrastructure & Regulatory Services Scrutiny

Councillor Rob Hannaford, Chair of Children's Scrutiny

Councillor Sara Randall Johnson, Chair of Health & Adult Care Scrutiny

Highlights:

Committee Meetings

18 Public meetings

104 Reports

2 Call-ins

10 speakers

Task Groups/Spotlights

10 reviews established

5 reports published

49 recommendations

138 witnesses

SCRUTINY SYPOSIUM

WE ALSO HELD A NATIONAL CONFERENCE

2018/19



SCRUTINY IMPACT

Scrutiny now receives up to date management information on potholes and repairs at every Committee Meeting as part of the service's transparent approach.

Following the Spotlight Review on problem gambling the Council now plays its part in raising awareness of the dangers of problem gambling.

Scrutiny helped SWASFT identify some of the 5,000 Defibrillators in Communities potentially saving lives!

Scrutiny made 13 recommendations in the budget process —Cabinet agreed to take them all on



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The Health and Adult Care Scrutiny Committee have been working with providers to improve their performance.

Through the Quality Account process, Scrutiny has reviewed:

- * The Royal Devon and Exeter NHS Foundation Trust
- * Devon Partnership Trust NHS Trust
- * South Western Ambulance Service NHS Foundation Trust
- * South Devon Healthcare NHS Foundation Trust

And has specifically conducted in-depth work with Northern Devon Healthcare NHS Trust



Scrutiny looked at proposed changes to foster carer fees and allowances (which would see a reduction in allowances for some carers)

Scrutiny said that income protection should be guaranteed for foster carers until all current placements come to an end.

Cabinet agreed additional £1.2m funding

Impact – Better placement stability for children living with foster carers who would be affected



Scrutiny Symposium

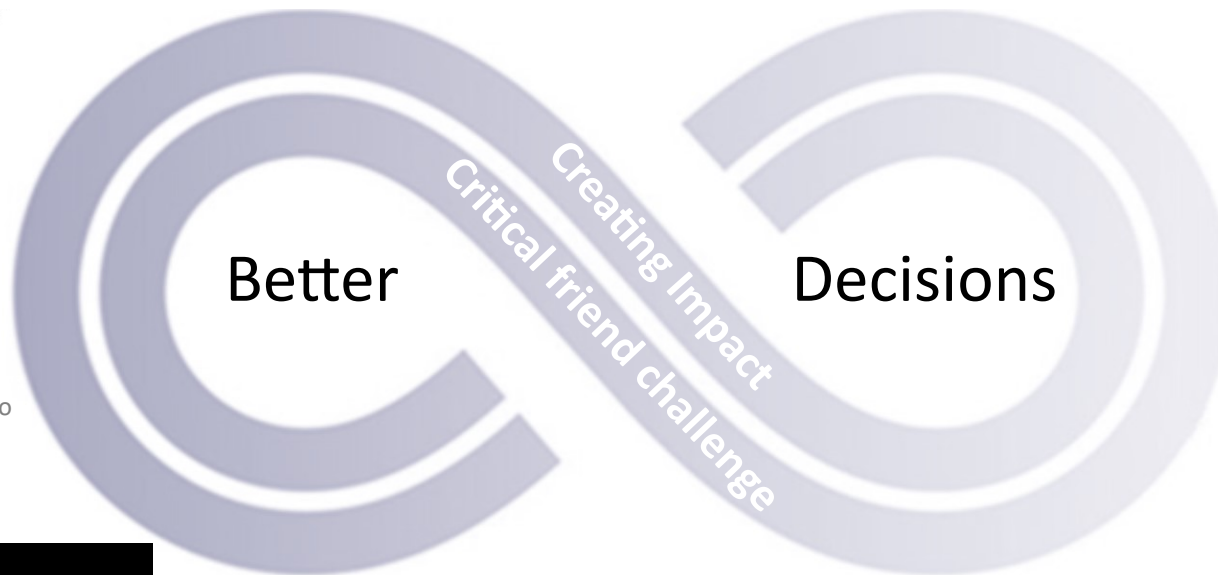
- ⇒ Hosted by Devon
- ⇒ 70+ Scrutineers
- ⇒ MP Chair of the Select Committee Chairs
- ⇒ 30 Local Authorities
- ⇒ 8 Ideas Exchange Workshops
- ⇒ 1 Panel Q&A

CREATING IMPACT: FINDINGS

The message from the day was that the environment for Scrutiny is paramount to enable meaningful impact.

Delegates were clear that the determinants of this began with lead decision makers welcoming the views and evidence based challenge that Scrutiny can bring.

Factors to support effective Scrutiny then include independent Scrutiny staff, the right training and development for Members and a strong chair. Then Scrutiny can meet the challenge of balancing the voice of the public with evidence in order to challenge the Executive and ultimately ensure the best decisions are made.



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How has Scrutiny listened this year?

- * Heard from **138** witnesses from industry, the NHS, charities, employees, universities and members of the public in Task Group/Spotlight Reviews
- * Visited community hospitals, care homes, social work offices, schools and charities speaking to more than **40** staff and service users.
- * **10** public speakers at Committee under the public participation scheme, speaking on:
 - Foster Care Allowances
 - Air quality and congestion
 - Promoting Independence for Carers
 - Modernising Health and Wellbeing Services
- * Numerous correspondence on Foster Care allowances, libraries, broadband and many other issues.
- * Engaging on social media—with 881 Twitter followers  Follow us or get in touch @devon_democracy

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LEP Scrutiny

This year Devon County Council became the host authority for the newly established Heart of the South West Joint Local Enterprise Partnership Scrutiny Committee. The Committee is set up to hold the LEP to account and comprises representatives from District, Unitaries and County Councils across Devon and Somerset. The Committee has met twice and is due to review it's progress at the end of the year.

Influencing the National Agenda

- ◆ Devon Scrutiny has been recognised in the Centre for Public Scrutiny Annual [Scrutiny Frontiers Publication](#)
- ◆ Task Group recommendations were specifically directed at lobbying MPs and changing National Policy, Including the Better Care Fund TG which wrote to the Secretary of State for Health and received positive recognition of the work in Devon.
- ◆ The [Scrutiny Symposium](#) took place in September 2018, which was in perfect time for the findings to be submitted to Ministry for Housing Communities and Local Government in their preparation of the Statutory Scrutiny Guidance, which we hope to see published later this year, watch this space...

For task group reports, briefings & more [click here](#)

For any comments or to suggest topics for Scrutiny contact Camilla de Bernhardt Lane
Scrutiny@devon.gov.uk