

*County Council
Thursday, 25th July, 2019*

NOTES FOR VISITORS

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

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

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Access to County Hall and Public Transport Links

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

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

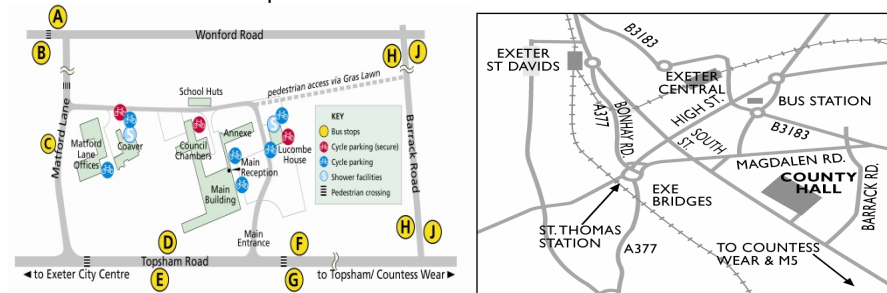
Car Sharing

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

Car Parking and Security

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

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



NB   Denotes bus stops

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

17 July 2019

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 25th July, 2019 at 2.15 pm.

Chief Executive

[Prayers will be offered by the Reverend David Fletcher of St Peter and St Mary Magdalene church, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

A G E N D A

1 Apologies for Absence

2 Minutes (Pages 1 - 14)

To approve as a correct record and sign the minutes of the meeting held on 23rd May 2019.

3 Announcements

4 Items Requiring Urgent Attention

5 Devon Youth Parliament

Members to receive a presentation on the role and activities of the Youth Parliament.

6 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.

7 Petitions from Members of the Council

8 Questions from Members of the Council

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

FRAMEWORK DECISION

NIL

OTHER MATTERS

9 Cabinet Member Reports

To consider reports from Cabinet Members.

10 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a** Audit Committee - 21 May 2019 (Pages 15 - 18)
- b** Development Management Committee - 5 June 2019 (Pages 19 - 20)
- c** Standards Committee -10 June 2019 (Assessment Sub Committee) and 16 July 2019 (Pages 21 - 22)

The minutes of the Standards Meeting on 16th July 2019 will be published [here](#) shortly.
- d** Appeals Committee - 17 June 2019 and 15 July 2019 (Pages 23 - 24)

The Minutes of the Meeting held on 15 July 2019 will be published [here](#) shortly.
- e** Investment and Pension Fund Committee - 28 June 2019 (Pages 25 - 30)
- f** Public Rights of Way Committee - 4 July 2019 (Pages 31 - 34)
- g** Procedures Committee - 9 July 2019 (Pages 35 - 38)
- h** Children's Scrutiny Committee - 10 June 2019 (Pages 39 - 46)
- i** Health and Adult Care Scrutiny Committee - 18 June 2019 (Pages 47 - 52)
- j** Corporate Infrastructure and Regulatory Services Scrutiny Committee - 25 June 2019 (Pages 53 - 58)

NOTICES OF MOTION

11 Free Personal Care (Minute 207 - 23 May 2019)

To receive and consider the recommendations of the Cabinet (Minute 360(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Biederman and referred thereto in accordance with Standing Order 8(2), namely;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/19/14 and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved:**

(a) that the Council urges the Government to publish the Adult Social Care Green Paper without further delay and, furthermore, responds to the proposals in that Green Paper when it is published and ensures that Members across the Council are engaged and can contribute to such an important issue; and

(b) that the Cabinet Member for Adult Social Care and Health Services, continue his dialogue with Devon MPs to lobby central Government for the health and care arrangements, including the workforce requirements, that are in the best interests of all adults in Devon regardless of their age or specific health and care needs.

12 10 Point Green Action Plan (Minute 208 - 23 May 2019)

To receive and consider the recommendations of the Cabinet (Minute 360(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wright and referred thereto in accordance with Standing Order 8(2), namely

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>*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/19/14 and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved:**

(a) that the Council endorse the principle of further action by Devon County Council to address environmental issues in line with the global concerns highlighted through relevant intergovernmental panels; and

(b) mandates the Environmental Performance Board to consider how relevant

issues raised by the 10 Point Green Action Plan might be addressed through relevant changes or additions to its suite of action plans, in the light of the opportunities and constraints highlighted by Appendix 1 of Report (CSO/19/14).

13 Community Waste Reduction and Recycling Organisations (Minute 209 - 23 May 2019)

To receive and consider the recommendations of the Cabinet (Minute 360(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely

Full Council 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)

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/16/14 and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved:**

'that the Council take no further action at this time, but that the Cabinet Member for Infrastructure Development and Waste considers the Notice of Motion alongside the results of the consultation and the priorities of Devon Authorities Strategic Waste Committee, when the matter is considered by that Committee'.

14 **Future of the Post Office**

Councillor Hannaford to move:

Council notes with concern that;

Britain's 11,500 post office branches are facing mounting financial pressures. It is claimed financial pressures have already forced up to 1,000 out of business. More customers are now going online to buy stamps and parcels for postage. More people are also using the web to pay bills and to use government services. Government subsidies for remote post office branches have already fallen from £415million in 2013-14 to £99million in 2017-18. Under current plans this will fall further to £50million in 2020-21 before being stopped completely. At the moment Post Office Limited, which is owned by the Government, replaces branches when they shut, but campaigners have warned that the rate of closures in the coming years will make this impossible.

This Council believes that:

Our post offices are a key asset for the community, and the expertise and experience of staff there is invaluable. The relentless franchising and closure programme of the profit-making Crown post Offices, points to a lack of vision rather than the plan for growth and innovation that is needed. Government should therefore halt these closures and bring together stakeholders, including the CWU, industry experts, and business leaders, to develop a new strategy that safeguards the future of the Post office.

Therefore, Council resolves;

To formally write to the Prime Minister, the Secretary of State for Business Energy and Industrial Strategy, the Chancellor of the Exchequer, and all our local Members of Parliament, calling on the Government to guarantee their future. We are calling for the network to be properly funded, with a full range of services over the counter for those who are not online, and better support for the development of community hub models.

15 **Boosting South West Railway Investment**

Councillor Hannaford to move:

*Council is concerned that the **£56 billion HS2** rail scheme has little or no direct economic, social or infrastructure benefits for the South West region.*

Council considers that the existing rail links between London, Birmingham, Leeds and Manchester are already good, if not excellent, and in stark comparison to the far South West, that has dated and frail rail connections, that badly need new substantial strategic investment.

Council notes the recent report by the New Economics Foundation "A Rail Network For Everyone – Probing HS2 And Its Alternatives", that includes rerouting the current HS2 funding to other regional rail improvements to improve local connectivity across the UK.

Council further notes other recent professional reports, representations and cross

party discussions at Parliament, that have also recommended this move to invest in alternative railway investment away from HS2.

As part of this process Council supports that reallocation of HS2 funds for the following **local projects**:

- Improve connectivity to **Bristol Temple Meads** - to boost this transport hubs rail links - **£125m**
- Rebuild **Cullompton Station** – lost since 1964, connecting the town to Exeter and Bristol, in tandem with the proposed 5,000 new homes at the garden village - **£15m**
- **Exeter to Plymouth via Okehampton** - to improve sustainability, resilience, and green travel, in line with the ongoing substantial new housing developments - **£500m**
- **Cross Cornwall Rail Link** – to improve links between East and West Cornwall - **£125m.**
- Reopen the **Bodmin to Wadebridge** railway line – to convert the community line back into more active service - **£125m.**

And the national scheme to **build cycle paths next to motorways and A roads**, to create **7,600 miles** of new routes to boost cycling - **£1.82bn.**

Council resolves to make formal representations to the **Parliamentary Transport Committee**, the **Secretary of State for Transport**, the **Chancellor**, the **Prime Minister** and all **local Members of Parliament** to support this reallocation of strategic infrastructure investment, and work with other key regional partners to move matters forward.

16 Appledore Shipyard Renationalisation

Councillor Hannaford to move:

Council notes that Appledore Shipyard has a long and proud history of building and repairing vessels, and general engineering work since its founding in 1855.

Council is gravely concerned that despite having a highly skilled, dedicated and innovative local work force the shipyard remains closed.

Council reflects that this area of Devon has high levels of child poverty, poor infrastructure and very high rates of rural poverty generally, all of which require more public investment and intervention.

Council calls on the Government to renationalise Appledore Shipyard and fully integrate the site and its operations into the Ministry of Defence, to secure its long term future, ensure that defence capacity and resilience are maintained and provide employment and propriety to the local community and the wider county of Devon.

17 **Veterans Pledge**

Councillor Scott to move:

This Council supports and urges the Government and new Prime Minister to implement the Veterans Pledge and legislate to:

- 1) create an Office of Veterans Affairs within the Cabinet Office, with a Cabinet-level Minister, to ensure world-class care and support for former Armed Forces personnel;*
- 2) enshrine the Military Covenant into law, so that no veteran or their family should ever face any disadvantage because of their service for this country; and*
- 3) end vexatious investigations into historical allegations against our troops - including in Northern Ireland - to be passed before the next General Election.*


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-

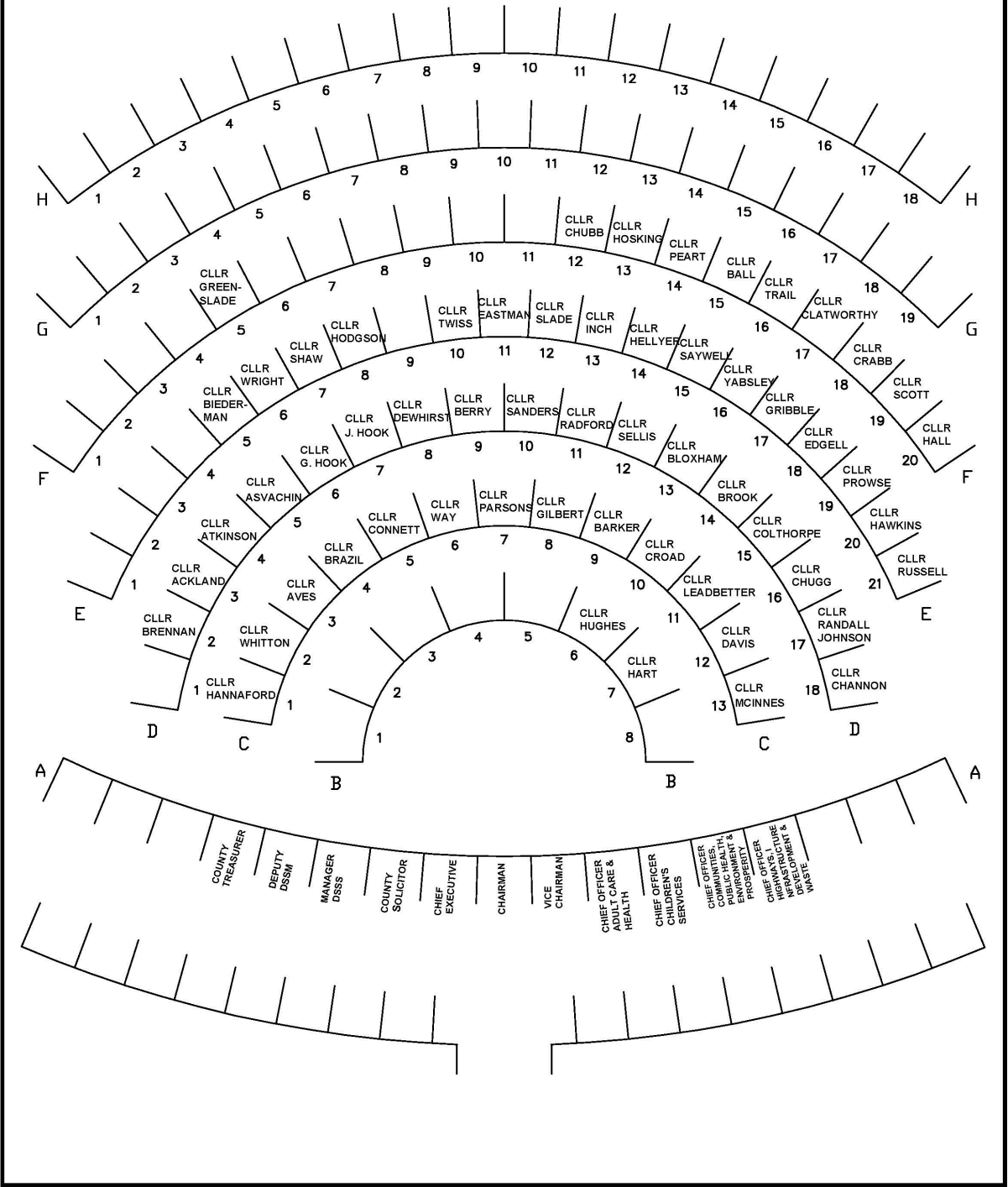
<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

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

23 May 2019

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Hook, J Brook, C Channon, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhurst, A Eastman, R Edgell, R Gilbert, B Greenslade, 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 Y Atkinson and I Chubb

189 Election of Chair

Councillor Gribble **MOVED** and Councillor Twiss **SECONDED** that Councillor Mathews be elected Chair of Devon County Council for the ensuing year.

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

COUNCILLOR MATHEWS IN THE CHAIR

The Chair and Group Leaders expressed their gratitude to the immediate past Chair for her service during her year of office: Councillor Chugg responded.

190 Appointment of Vice Chair

Councillor Radford **MOVED** and Councillor Slade **SECONDED** that Councillor Squires be appointed Vice Chair of Devon County Council for the ensuing year.

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

The Chair, immediate past Chair and Group Leaders thanked the immediate past Vice-Chair for his services and support to the former Chair during his year of office. Councillor Hosking responded.

191 Appointment of Deputy Leader of the Council

Councillor Hart, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED** that Councillor McInnes be appointed Deputy Leader of Devon County Council for the ensuing year.

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

Agenda Item 2

2
COUNCIL
23/05/19

192 Cabinet Members and Allocation of Remits

Councillor Hart, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED**:

"that the Council note that the Members shown in the Appendix circulated at the meeting have been appointed to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Annual Meeting of the Council in 2020".

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

193 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 21 February 2019 be signed as a correct record.

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

194 Announcements

The Chair of the Council congratulated those involved in the double award success by the team behind the reinstatement and realignment of the A379 at Slapton as the scheme has been recognised at the recent Chartered Institution of Highways & Transportation (CIHT) awards, scooping the Transport Project of the Year Award and the Transportation Environment Award. It was praised for the speed at which funding, planning, design and construction took place, which was all the more impressive given the environmental sensitivity of the area.

He then paid tribute to the hard work of the Devon Audit Partnership Counter Fraud Services Team. They had won the 'prevent' category in the 'fighting fraud and corruption locally' awards for 2019. The standards had been very high and the work in 'preventing' fraud and supporting the Local Government Counter Fraud and Corruption Strategy was recognised.

Another good news story reported by the Chair was the #WeAreDevon marquee winning a Gold Medal Award at the 2019 County Show for the 'Most Attractive Stand – Class 3'. Some of the activities in the marquee indicated it was a very successful year, for example the refill station helped eliminate waste from over 2,000 disposable plastic bottles, 1,222 people signed a Refill Devon pledge, 150 blood pressure checks were taken, over 200 people signed up to the NHS organ donation register, 100 pre-school books were given away to youngsters by Libraries Unlimited and nearly 600 people had conversations with the Council's healthy lifestyle service (One Small Step) about their health and wellbeing.

The Chair also informed Members about Devon Digital Lives which was a new project where the Council offered its staff as 'Devon Digital Lives volunteers' so they could provide relevant support on matters such as using email and / or social media or paying bills online. The Council heard that a lack of basic digital skills meant that many people were disadvantaged and that digital exclusion could lead to poorer health, a lower life expectancy, increased loneliness and social isolation, and less access to jobs and education. Members were also encouraged to be part of the scheme, given their unique position of community leaders to use any digital skills for the benefit of others in their communities.

195 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

196 Appointment of Committees

Councillor Hughes **MOVED** and Councillor Hannaford **SECONDED**:

(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.

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

197 Appointment of Chairs and Vice-Chairs of Committees

Councillor Hughes **MOVED** and Councillor Way **SECONDED**:

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

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

198 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Mr Banks, with a petition containing approximately 1200 signatures relating to the Motion on the agenda in the name of Councillor Hodgson on Community Waste Reduction and Recycling Organisations.

The relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days.

Agenda Item 2

4

COUNCIL
23/05/19

In accordance with the Council's Public Participation Rules, the Leader and relevant Cabinet Members responded to 9 questions from members of the public on CO2 emissions and transportation and progress on Council projects that would support CO2 reduction, the Council's commitment to the Climate Emergency Declaration and the immediate and long term strategies for information dissemination, how much energy the Council currently generated from renewable energy installations on its land and buildings, the quantity of carbon dioxide emitted annually from waste collected by the South West Devon Waste Partnership and incinerated at Devonport, the ambition to become carbon neutral and whether this related to the whole of Devon or just Devon County Council, reconsideration of the 2050 target date for carbon-neutral and other Councils' targets, which carbon emission reduction targets the County Council were considering delivering by 2025, the role of the Climate Impacts Response Group and how quickly it might show results and the date for the drafting and adoption of a Climate Action Plan to cut local carbon emissions.

The Leader and Cabinet Members also responded orally to supplementary questions arising from the above.

A copy of the questions would be sent to those 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 an oral representation made by Mr Whitehouse on climate change, following recent declarations by the Committee on Climate Change (CCC) and by Parliament.

The Chair thanked the Members of the public for their questions and representations.

[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]

199 Petitions from Members of the Council

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

200 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the relevant Cabinet Members provided a written response to one question submitted by a Member of the Council relating to the Windrush Scandal and whether any Devon residents had been affected.

The Cabinet Member responded orally to the supplementary question arising from the above.

[NB: See also responses to Questions referred to at Minute 198 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]

201 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) Community, Public Health, Transportation and Environment

Councillor Croad commented, as requested by Councillor Hannaford on the Knife Crime Public Health Consultation including current statistics and trends for knife related crime in the area, recent knife amnesty results, links to organised crime and county lines, and what the Council's official response to the consultation would be.

The Cabinet Member referred to the Government's Serious Violence Strategy in response to rises in knife crime, gun crime and homicide and some of the risk factors that could impact on an individual's vulnerability to becoming either a victim or perpetrator of serious violence. The Government was also consulting on a potential new legal duty on specific organisations to support a multi-agency approach to preventing and tackling serious violence. Views were being sought to inform the Council's response.

The consultation consisted of three options:

1. A new duty on specific organisations to have due regard to the prevention and tackling of serious violence (similar to the PREVENT duty);
2. A new duty through legislating to revise Community Safety Partnerships (to ensure they had a strategy for preventing and tackling serious violence); and
3. A voluntary non-legislative approach (to encourage areas to adopt voluntary measures to engage in a multi-agency approach instead of, or to complement introducing a new statutory duty).

The Government's stated preference was Option One.

In terms of data, locally there was evidence of a small increase in knife-related activity in certain pockets of the peninsula, but there did not appear to be evidence of any widespread large-scale increases.

The participation of Devon and Cornwall in the national knife amnesty (11 – 17 March 2019) led to 367 knives and bladed items being handed in to police.

(b) Children's Services and Schools

Councillor McInnes circulated a report as requested by Councillors Biederman on the recent Ofsted focused visit of Children's Services and the immediate actions taken and required in response to their Report and also provided a verbal update, as requested by Councillor Hannaford, on the Steiner School (Exeter).

In response to the Ofsted focused visit, the Cabinet Member highlighted that 'Focused Visits' were part of the new Inspection Framework for Local Authority Children's Services (ILACS), designed to support improvement. He highlighted that most Local Authorities were weakest in the area of Children in Need and Child Protection.

Senior leaders had responded quickly and with appropriate rigour, realigning service priorities and the immediate strengthened management information to eliminate knowledge gaps. A period of accelerated improvement focusing on key areas of practice was underway and would remain in place until the full ILACS took place. Quality assurance activity was being significantly tightened and additional resources being put into this. The Focused Visit letter would be published on 28th May 2019 and reported to the June Children's Scrutiny Committee with the accompanying updated Improvement Plan.

The Cabinet Member also referred to his Report at the last Council meeting on the Ofsted and the Care Quality Commission (CQC) joint inspection of Devon to judge the effectiveness of implementing the special educational needs reforms conducted between 10 and 14 December 2018. The improvement plan was currently being considered by Ofsted and would be published in June.

He also commented on the Steiner School which had been subject to an Ofsted inspection, the outcome of which had found the School to be 'inadequate'. He highlighted the support mechanisms for the school in helping them to move forward both from the Council and other agencies including the Regional Schools Commissioner and the Ted Wragg Trust. There were ongoing discussions with the Secretary of State on the future sponsorship of the academy. Ofsted also continued to make visits to the school.

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202 Minutes

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

Investment & Pension Fund Committee	-	22 February 2019
Audit Committee	-	27 February 2019
Public Rights of Way Committee	-	4 March 2019
Standards Committee	-	4 April 2019
Procedures Committee	-	17 April 2019
Appeals Committee	-	13 May 2019
Children's Scrutiny	-	18 March 2019
Health & Adult Care Scrutiny	-	21 March 2019
Corporate Infrastructure & Regulatory Services Scrutiny	-	26 March 2019

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

203 Scrutiny Annual Report 2018/2019

The Council received and endorsed the 2018/19 Annual Report summarising the activities and investigations undertaken by each of the Council's three Scrutiny Committees during the course of the year, the outcomes arising and the continuing challenges and development of the Scrutiny role over that period.

As well as ten reviews, more than twenty visits to frontline services, there was also a National Conference with more than seventy delegates, the message from the day being that the environment for Scrutiny was paramount to enable meaningful impact.

The Report highlighted that assessing the impact of Scrutiny was not always easy, but by developing a reputation based on robust questioning and examination, good Scrutiny helped decision makers make more informed and accountable decisions. Over the past 12 months, tangible changes in Council policy and practice had taken place as a direct result of Scrutiny recommendations or direction.

The Chair of the Corporate Infrastructure and Regulatory Services Scrutiny Committee paid tribute, on behalf of the Chairs of Scrutiny Committees, to the efforts of all Members involved in the work of those Committees and Task Groups and to the support provided by Officers to facilitate the work of Scrutiny in Devon; advocating the continuing value of a strong, independent, Scrutiny function to advise the Council. The other Scrutiny Committee Chairs endorsed those remarks.

In associating himself with the above remarks the Leader of the Council also expressed his thanks to the Council's Scrutiny Committees for the advice they had given to the Cabinet over the last year.

[NB: A copy of the Annual Report was available on the [website](#))

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Public Health (Minute 186 of 21 February 2019)

Pursuant to County Council Minute 186 of 21 February 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that:

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.*

and having had regard to the advice of the Cabinet set out in Minute 13 of March 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and 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;

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(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.

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.

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

Pursuant to County Council Minute 187 of 21 February 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Way that:

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.

and having had regard to the advice of the Cabinet set out in Minute 319 (b) of 13 March 2019, 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.

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted, as outlined above and that the Council lends it support to the work of the Boniface Link Association.

The Cabinet's recommendation in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

Pursuant to Procedures Committee Minute 60 of 17 April 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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

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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.

and having had regard to the advice of the Procedures Committee set out in Minute 60 of 17 April 2019:

(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.

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Councillor Mathews **MOVED** and Councillor Hart **SECONDED** that the Procedures Committee's recommendation be accepted, as outlined above, and the Independent Allowances Panel be asked to formulate a scheme.

The Procedures Committee's recommendation in the name of Councillor Mathews was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

207 Free Personal Care

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

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.

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

208 10 Point Green Action Plan

Councillor Wright **MOVED** and Councillor Shaw **SECONDED**;

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>*

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

209 Community Waste Reduction and Recycling Organisations

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED**;

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

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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.

(NB; 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)

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

210 House of Lords Select Committee - Rural Economy Report

The Notice of Motion was withdrawn.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by the Very Revd Jonathan Greener, Dean of Exeter Cathedral.

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 4.23 pm

AUDIT COMMITTEE

21 May 2019

Present:-

Councillors J Mathews (Chair), I Hall (Vice-Chair), J Berry and A Saywell

Apologies:-

Councillors R Peart

* **54** **Minutes**

RESOLVED that the Minutes of the meeting held on 27th February 2019 be signed as a correct record

* **55** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **56** **External Audit Update**

The Committee received the Report of Grant Thornton outlining the progress made in delivering their responsibilities as the Council's external auditors.

The Joint Associate Director of Commissioning and the Social Work Lead, Devon Partnership Trust updated members of the Committee on the progress they had made relating to compliance of Care Act duties following the objection that had been raised against the 2017/18 financial statements of the County Council.

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

RESOLVED that the report and findings be noted.

57 **Annual Governance Statement 2018/19**

The Committee considered the Report of the Leadership Group (CSO/19/13) on the Annual Governance Statement which the Council was required to publish in accordance with CIPFA/SOLACE guidance and to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015.

The Statement confirmed that the governance arrangements provided a high level of assurance; that the arrangements continued to be fit for purpose and that the Council's governance structures reflected the core and sub-principles of the Governance Statement.

Members expressed concern that a number of members of the Council had still not completed their Disclosure Barring Service (DBS) check. The Scrutiny Officer advised that Democratic Services would continue to work with Members to ensure any outstanding DBS checks were completed as swiftly as possible. The Committee expressed its thanks to the Democratic Services Team for their efforts in supporting the Members with these checks.

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

RESOLVED

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- (a) that the Annual Governance Statement for 2018/19 be approved and the Chair be authorised to sign the Statement.
- (b) that where DBS checks were outstanding, the Committee ask that Group leaders work with officers to support the completion of DBS checks for all members of the Council.

58 Annual Internal Audit Report 2018/19

The Committee received the Report of the County Treasurer (CT/19/47) on the performance of Devon Audit Partnership against the internal audit plans for 2018/19, concluding that internal audit was able to provide significant assurance on the adequacy and effectiveness of the Council's internal control framework.

The Members of the Committee raised the issues of levels of sickness and of new webpages experiencing installation issues.

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

RESOLVED

- (a) that the internal audit opinion that the Council's systems contain a satisfactory level of internal control be noted;
- (b) that the satisfactory performance and achievements of Devon Audit Partnership during 2018/19 be noted.

59 Internal Audit Strategy 2019/20

The Committee considered the Report of the County Treasurer (CT/19/48) and the accompanying Internal Audit Strategy, outlining the purpose, authority and principal responsibilities of the Council's internal audit service, provided by the Devon Audit Partnership. The Strategy had been produced to meet the requirements set by the Public Sector Internal Audit Standards.

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

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

60 Internal Audit Charter 2019/20

The Committee considered the Report of the County Treasurer (CT/19/49) and the accompanying Internal Audit Charter, outlining the purpose, authority and principal responsibilities of the Council's internal audit service, provided by the Devon Audit Partnership. The Charter had been produced to meet the requirements set of the Public Sector Internal Audit Standards.

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

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

61 Devon County Council - Control Environment

The Committee received the Report of the County Treasurer (CT/19/49) on the yearly requirement of the Audit Committee and Section 151 Officer to respond to enquiries from the external auditors (Grant Thornton) regarding the overall control environment of the Council, with particular focus on the arrangements in place to ensure that the production of the financial statements were free of material error.

The Committee will be required to authorise the accounts in July following careful consideration of the auditors' report. The letter attached to the Report, from the Section 151 Officer set out the details of the control environment.

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

RESOLVED

(a) that the Report be noted and that the response from the County Treasurer including the conclusion that the authority's accounts be prepared on a Going Concern basis be endorsed;

(b) that the proposed response to the external auditor's question to the Audit Committee on fraud be approved.

62 2018/19 Risk Management Annual Report

The Committee considered the Report of the County Treasurer (CT/19/46) which sets out the Risk Management Policy and Strategy for 2018/19.

Members expressed concern regarding whether this information was publicised enough and regarding specific issues such as the risk of fuel shortages.

The Committee welcomed the higher profile the County Council had given to risk management over the last 12 months, and the improved link to the Scrutiny function.

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

RESOLVED

(a) that the Committee notes the changes and updates to the risk management process as supported by Devon Audit Partnership;

(b) that Members note the roles and responsibilities identified in the update report and the revised Risk Management Policy and Strategy;

(c) that the Committee notes the current risk position for all risks;

(d) that Members note the 11 risks currently ranked the highest;

(e) that the relevant Scrutiny Committees be invited to review the latest position on the top 11 risks.

63 Audit Committee Annual Plan 2019/20

The Committee received the Report of Grant Thornton outlining the progress made in delivering their responsibilities as the Council's external auditors.

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

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

- (a) 29 July 2019 (morning masterclass) - Children's Social Care Budget
- (b) Other issues to be factored into work plan or as masterclasses
 - Sickness management / HR processes
 - Cyber Fraud
 - Highways

Agenda Item 10a

AUDIT COMMITTEE
21/05/19

- Business Continuity

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

The Meeting started at 2.15 pm and finished at 3.13 pm

DEVELOPMENT MANAGEMENT COMMITTEE

5 June 2019

Present: -

County Councillors

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

Apologies: -

Councillors A Connett and P Sanders

* 72

Minutes

RESOLVED that the Minutes of the meeting held on 30 January 2019 be signed as a correct record.

* 73

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 74

County Matter: Waste: West Devon Borough: Re-processing of inert construction and demolition waste used in the creation of base levels required under planning permission 01083/2010 to remove high quality material capable of being used as secondary aggregate. The application also seeks, temporarily for a period of 5 years, to include importation of up to 25,000t per annum of inert waste for recycling and resale with the residue being used for finishing off the levels required under extant permission 01083/2010, Wilminstone Quarry, Wilminstone, Tavistock

The Committee considered Report of the Chief Planner (PTE/19/22) on an application for the proposed reprocessing of inert waste already present on the site to recover recyclable materials, and the temporary importation of inert materials for recycling and resale or use in achieving final levels for the site.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

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

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

RESOLVED that temporary planning permission be granted subject to the conditions attached at Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

* 75

County Matter: Waste: Teignbridge District: Importation of 350,000m3 of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture, Lower Hare Farm, Whitestone

The Chief Planner reported the receipt of the above planning application and that it was considered appropriate for Members to visit the site prior to determination.

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

Agenda Item 10b

DEVELOPMENT MANAGEMENT COMMITTEE
5/06/19

RESLOVED that Members' site visit be arranged in advance of consideration of a report to be made to a future meeting of this Committee.

* 76

County Council Development: West Devon Borough: Construction of a trail, Land south of the C491 Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth

(Councillor Inch declared a Personal Interest in this item by virtue of being a Member of the Devon Countryside Access Forum and Public Rights of Way Committee; and Councillor Hellyer declared a Personal Interest by virtue of being a Member of the Public Rights of Way Committee).

(Councillor P Kimber (West Devon Borough Council) attended under the Council's Public Participation Scheme and spoke to this item in support of the application)

The Committee considered the Report of the Chief Planner (PTE/19/23) on an application for the construction of a section of an off-road multi-use trail as an extension to the Tarka Trail, forming the southern part of a proposed link between Meeth and Hatherleigh.

The Chief Planner also reported written representations from the local County Council Member in support of the application; and written representations from Mr W Knapman and Mr I Turner (on behalf of Mr Knapman) objecting to the application in relation to the ecological impact on Parker's Copse.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

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

Councillor Bloxham **MOVED** and Councillor Aves **SECONDED** that consideration of the application be deferred to a future meeting pending confirmation as to whether or not the area of land the subject of this application is designated as Ancient Woodland.

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

Councillor Brook then **MOVED, SECONDED** by Councillor Yabsley and it was

RESOLVED that subject to independent confirmation that the area of land the subject of this application is not designated as Ancient Woodland, planning permission be granted subject to the conditions contained in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and the Local County Councillor).

[N.B In accordance with Standing Order 32(4) Councillor Inch requested that his abstention from the vote taken be recorded]

* 77

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

The Committee received the report of the Chief Planner (PTE/19/24) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.52 pm

STANDARDS COMMITTEE

10 June 2019

Present:-

Councillors P Colthorpe, A Connett and R Saltmarsh

* **56** **Appointment of Chair**

It was **MOVED** by Councillor Colthorpe, **SECONDED** by Mrs Saltmarsh, and
RESOLVED that Councillor Connett be appointed as Chair.

* **57** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **58** **Exclusion of the Press Public**

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

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act namely, information relating to an individual 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.

* **59** **Allegation of Breach of Members Code of Conduct**

The Deputy County Solicitor and Deputy Monitoring Officer presented the Assessment Sub-Committee with the following documentation;

- Constitution - Part 6a (Code of Personal Conduct) Members Code of Conduct
- Guidance/Procedural Note for the Assessment Determination of Allegations of Breaches of the Code of Conduct for Members
- Initial Complaints
- Independent Person's Comments
- Subject Member - Response to Complaints

relating to four complaints received on an alleged breach of the Members Code of Conduct.

The Sub-Committee considered all of the documentation referred to above with a view to determining whether or not, on the basis of the evidence available and the views of the Independent Person (in accordance with the Council's procedures) it agreed with their proposed course of action or whether they would wish to pursue or agree some other course of action.

The Sub Committee noted the views of the Independent Person and their recommendation that the matter should be subject to a formal investigation. The Sub Committee also formally disregarded the reference from the Independent Person to a previous incident concerning the same Subject Member.

In addition, the Sub Committee asked that the reference to an earlier issue concerning the role of Equality Reference Group be dealt with by Officers.

Agenda Item 10c

STANDARDS COMMITTEE
10/06/19

The Sub Committee also discussed whether proceeding to a formal investigation would bring any additional information over and above that already received from the Complainants and Subject Member.

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

RESOLVED that the views of the Independent Person be noted, but the Sub Committee exercise its discretion to suggest a different course of action to that of a formal investigation and ask Officers to bring a Report to the next meeting of the Standards Committee based on the information already submitted, notwithstanding the Subject Member must have the opportunity to comment on any draft and final Report.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Saltmarsh asked that her support for the approved resolution be recorded)*

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

The Meeting started at 10.30 am and finished at 11.01 am

APPEALS COMMITTEE

17 June 2019

Present:-

Councillors J Hawkins (Chair), C Slade and C Whitton

Apologies:-

Councillors G Hook and P Twiss

* **138** **Minutes**

RESOLVED that the minutes of the meeting held on 13 May 2019 be signed as a correct record, subject to the addition of Cllr Ackland to the list of those present.

* **139** **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.

* **140** **Budget Monitoring**

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

The Committee received the Report of the Head of Planning, Transportation & Environment on the financial impact of the Committee's decisions for the current financial year 2019/20.

* **141** **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:-

ST133 AL	Exeter to Isca Academy	Appellant & Local Member
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RESOLVED:- that the above appeal be refused.

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

The Meeting started at 11.15 am and finished at 12.35 pm

INVESTMENT AND PENSION FUND COMMITTEE

28 June 2019

Present: -

Devon County Council

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

Unitary and District Councils

Councillors L Parker-Delaz-Ajete (Plymouth City Council), J O'Dwyer (Torbay Council) and J Pearce (South Hams LGA)

Other Employers

D Healy

Unison and Retired Members

R Franceschini and J Rimron

Attending in Accordance with Standing Order 25 (2)

Councillor B Greenslade

Apologies: -

Councillor A Connett, D Healy and C Lomax

* **112** **Minutes**

RESOLVED that the Minutes of the Meeting held on 22 February 2019 be signed as a correct record.

* **113** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **114** **Devon Pension Board**

The Committee noted the Minutes of the Devon Pension Board of the 3 April 2019, which could be viewed [here](#).

* **115** **Brunel Oversight Board**

The Committee noted the Minutes of the Brunel Oversight Board held on 28 June 2019.

Members referred to the gender pay analysis which had been undertaken by Brunel and was available for Members as was their climate change statement. The Chair confirmed Brunel's commitment to the revised approved Business Plan and the significant cost benefits.

* **116** **Internal Audit Report and 2019/20 Audit Plan**

The Committee considered the Report of the County Treasurer (CT/19/60) on the Annual Internal Audit Report 2018/19 and the proposed Internal Audit Plan 2019/20. The Internal Audit Report provided the Authority with an assurance on the system of internal control of the Fund. Overall, and based on work performed during 2018/19, the Internal Audit found substantial assurance on the adequacy and effectiveness of the Fund's internal control environment.

Agenda Item 10e

INVESTMENT AND PENSION FUND COMMITTEE 28/06/19

The audit plans for the financial year 2019/20 allowed for up to 40 days of internal audit support for the Pension Fund and 45 days of internal audit support for Peninsula Pensions. The details were set out in Appendix 1 Internal Audit Plan 2019/20 along with the Service Level Agreement.

Members noted that all data breaches were recorded and would be reported to the Pension Board and this Committee. Any significant breaches would also be reported to the Pensions Regulator. The Brunel Partnership had their own audit arrangements and any issues would be reported via the Brunel Oversight Board minutes.

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

RESOLVED

- (a) that the Annual Internal Audit Report for 2018/19 be accepted;
- .
- (b) that the Internal Audit Plan for 2019/20 as detailed in the Report be approved; and
- .
- (c) that the Assistant County Treasurer (Investments) be authorised to execute the Service Level Agreement relating to the Internal Audit Plan.

* 117 **Devon Pension Fund Risk Register**

The Committee considered the Report of the County Treasurer (CT/19/61) on an update of the Risk Register which included aspects commented on by the Pension Board. The Risk Register was attached at Appendix 1 to the Report and highlighted the key risks in relation to the Pension Fund, the current processes in place to mitigate the risk, and the planned improvements in place to provide further assurance. This incorporated the risk register of both the Investments Team and Peninsula Pensions. The Committee noted the two additional Risks added (f4 and f16). In regard to f16 since publication, the Supreme Court had passed judgement and had not granted the Government leave to appeal. However, uncertainty remained as the level of increased liability for the Fund was subject to actuarial evaluation. The details and mitigating controls would be amended by officers accordingly.

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

RESOLVED that the Pension Fund Risk Register and the additional actions proposed to mitigate risk be approved.

* 118 **Investment Management Report**

(Councillor Greenslade attended in accordance with Standing Order 25(2) and spoke to this item in regard to the performance of Active Global Equities).

The Committee considered the Report of the County Treasurer (CT/19/62) on the Fund value and asset allocation, performance against the benchmark, funding level, budget outturn 2018/19 and forecast budget 2019/20, cash management and engagement activity. Members had also received the LAPFF Quarterly Engagement Report for the Quarter to December 2018.

The Fund value at 31 March 2019 stood at £4,302.3 million, an increase of £270m over the quarter. Over the year to 31 March the Fund value rose by around £216m (5.6%).

Members discussed details relating to performance by the differing sectors, management fees, and changes relating to indirect costs which would be reported in the Annual Report as part of the national Cost Transparency initiative covering all pension funds.

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

RESOLVED

- (a) that the Investment Management Report be noted;
- (b) that compliance with the 2018/19 Treasury Management Strategy be noted.

* 119 **LGPS Update**

The Committee considered the Report of the County Treasurer (CT/19/63) on an update on some of the latest issues affecting the LGPS. In particular, the report focused on the Good Governance Project launched by the Scheme Advisory Board and various issues relating to actuarial valuations.

Following the current valuation, the Government was proposing to synchronise the timing of future valuations to coincide with the valuations of the unfunded public sector pension schemes. The Government had therefore issued a consultation (deadline by end of July) on moving to a four-yearly cycle from 2024 onwards with an LGPS valuation in 2024. The consultation also included a proposal to remove the requirement for further Education corporations, sixth form college corporations and higher education corporations in England to offer new employees' access to the LGPS. Each corporation would have the flexibility to decide whether to offer the LGPS to all or some eligible employees.

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

RESOLVED that the County Treasurer be authorised to approve a response to Government in consultation with the Chair and Vice Chair following circulation of a draft to all Members of the Committee.

* 120 **Training Review and 2019/20 Training Plan**

The Committee considered the Report of the County Treasurer (CT/19/64) on the proposed training programme for Committee and Board members to ensure that they had the skills and understanding required to carry out their stewardship role. The Report reviewed the training provided to both the Investment and Pension Fund Committee and the Devon Pension Board during 2018/19 and sets out the Training Plan for 2019/20. A draft of the Training Plan was presented to the Pension Board on 3 April 2019, and the Board's comments were set out within the report.

The Chair reported on the additional training he had undertaken as the Committee's representative on the Brunel Oversight Board and suggested that Brunel Partnership's Glossary was useful guide and should be circulated to members.

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

RESOLVED that the 2019/20 Training Plan be approved and adopted.

* 121 **Applications for Admitted Body Status**

The Committee noted the following applications for admitted body status approved since the last meeting:

(a) FCC Environment contract to provide waste management services to South Hams and West Devon, commencing on 1 April 2019: closed agreement and 90 staff transferred to the contractor; and

(b) Service Master Clean Contract Services: cleaning contract for St Andrews C0f E Primary School, commencing on 1 April 2019: closed agreement and 4 staff transferred.

Agenda Item 10e

INVESTMENT AND PENSION FUND COMMITTEE
28/06/19

* **122** **Dates of Future Meetings**

13 September 2019; 15 November 2019; and 21 February 2020 at 10.30 am

* **123** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business (Minutes *124 and *125) 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.

* **124** **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).

The County Treasurer (CT/19/25) reported on the latest situation with regard to the deficit contributions of one of the Fund's employers.

* **125** **Brunel Update and Transition of Assets and Reserved Matters Requests**

(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 considered the Report of the County Treasurer (CT/19/65) on Brunel's progress in setting up the Property and Emerging Markets portfolios and proposed actions to transition from the Fund's current managers to the Brunel portfolios. It also proposed the delegation of the implementation of the current currency hedging strategy on the Developed World Passive Equity Portfolio to Brunel in conjunction with an external Manager and gave an update on recent reserved matters requests.

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

RESOLVED

(a) that the strategic allocation of 2% of the Fund to Global Property and 8% to UK Property be approved;

(b) that the County Treasurer be authorised to terminate the contracts of the Devon Pension Fund's currently appointed active emerging markets managers at the appropriate time and liaise with the Brunel Pension Partnership to arrange the transition of assets to the Brunel Emerging Markets Portfolio;

(c) that the implementation of the currency hedging strategy for the Developed World Passive Equity Portfolio be managed by Brunel in conjunction with the external Manager as set out in the Report; and

(d) that the reserved matters requests approved since the last meeting be noted.

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

Agenda Item 10e

INVESTMENT AND PENSION FUND COMMITTEE
28/06/19

The Meeting started at 10.30 am and finished at 12.54 pm

PUBLIC RIGHTS OF WAY COMMITTEE

4 July 2019

Present:-

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

Also in attendance:-

Councillor A Davis

* **97** **Minutes**

RESOLVED that the minutes of the meeting held on 4 March 2019 be signed as a correct record.

* **98** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **99** **Announcements**

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

* **100** **Devon Countryside Access Forum**

The Committee received the draft minutes of the Devon Countryside Access Forum meeting held on 25 April 2019 which covered a range of matters, including a site visit to the Granite Way and the Pegasus Trail on 19 June. Officers confirmed that Members of the Committee and local Members would be invited to the Parish Paths Partnership events in the Autumn.

* **101** **Parish Review: Definitive Map Review - Parish of Plymtree**

The Committee received the Report of the Chief officer for Highways, Infrastructure Development and Waste (HIW/19/54), noting that the Definitive Map Review had been completed in the Parish of Plymtree and that no modifications were required.

* **102** **Parish Review: Definitive Map Review 2017-2019 - Parish of Lympstone (Part 2) (Minute *90/4 March 2019)**

(Mrs B Beer attended under the Public Participation Scheme and spoke to this item as a lifelong Lympstone resident and horse rider.)

(Mr S Goddard also attended under the Scheme, on behalf of his Mother, and spoke against the Upper route, but in support of the Lower route of Proposal 2.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/55) which examined the last proposal from the three that arose from the Definitive Map Review in the Parish of Lympstone in East Devon District. The background to the Review was set out in Report HIW/19/17 which was considered at the Committee's meeting on 4 March 2019.

Agenda Item 10f

PUBLIC RIGHTS OF WAY COMMITTEE
4/07/19

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding to them a bridleway between points C-D and upgrading to bridleway part of Footpath No. 1 Lympstone between points D-E-F-G as shown on drawing number HIW/PROW/19/02.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding to them a bridleway between points D-H-G as shown on drawing number HIW/PROW/19/02.

* **103** **Parish Review: Definitive Map Review - Parish of Wembury**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/56) which examined two proposals arising from Schedule 14 Applications made prior to the Definitive Map Review for the Parish of Wembury.

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

RESOLVED that the making of a decision in respect of Proposal 1 be deferred to a future meeting pending a review of further information received.

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

RESOLVED that a Modification be not made in respect of Proposal 2.

* **104** **Parish Review: Definitive Map Review - Parish of Trentishoe**

(Councillor Davis 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 Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/57) which examined two proposals arising from the Definitive Map Review in the Parish of Trentishoe.

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

RESOLVED that a Modification be not made in respect of Proposal 4.

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

RESOLVED that a Modification be not made in respect of Proposal 5.

* **105** **Parish Review: Definitive Map Review 2018-2019 - Parish of Bampton (Part 1)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/58) which examined the routes referred to as Proposals 1-3 arising out of the Definitive Map Review in the Parish of Bampton in Mid Devon.

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

RESOLVED

- (a) that a Modification Order be made to modify the Definitive Map and Statement by upgrading Bridleway No. 20, Bampton to a Restricted Byway (not a Byway Open to All Traffic) as shown on drawing number HIW/PROW/18/060A (Proposal 2); and

- (b) that a Modification Order be not made to modify the Definitive Map and Statement in respect of Proposals 1 and 3.

* **106** **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 and Waste (HIW/19/2) on decisions received from the Secretary of State.

* **107** **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/19/60) on a Modification Order confirmed as unopposed under delegated powers, namely Bridleway No. 20, Sampford Peverell and No. 26, Uplowman Definitive Map Modification Order 2019.

* **108** **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/61) on Public Path Orders made and confirmed under delegated powers, including Diversion Orders, Extinguishment Orders and Creation Orders/Agreements.

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

The Meeting started at 2.15 pm and finished at 3.52 pm

PROCEDURES COMMITTEE

9 July 2019

Present:-

Councillors J Mathews (Chair), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright

* **62** **Minutes**

RESOLVED that the minutes of the meeting held on 17th April 2019 be signed as a correct record.

* **63** **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 receive an update on DBS checks for Members of the Council.

The Head of Democratic Services advised that a small number of Members had not yet completed the check (online and / or ID check) and work was ongoing to support them through the process to completion. A list would be sent the Group Leaders to encourage their Members to finalise the process.

The Leader also asked Officers to consider organising further sexual harassment training in the autumn.

64 **Amendments to Financial Regulations**

The Committee considered the Report of the County Treasurer (CT/19/66) which outlined suggested amendments to Part 5 of the Constitution relating to the Code of Business Conduct.

The Committee noted that procedure and approval limits were updated in April 2018 and an annual review of operational procedures had indicated some areas where procedures could benefit from revision. The proposed changes were highlighted in detail in the attached appendices. Consultation had also been undertaken with Procurement where appropriate.

In relation to Part 5a, the introduction to the Code of Business Conduct, it was proposed that the chart which showed how elements of the code were arranged were updated to remove and/or replace obsolete elements, for example the Financial Standards Manual which now formed part of, and was embedded into, financial regulations on a section by section basis.

In relation to Financial Regulations (Part 5c) there were changes proposed to the following sections;

- Capital Expenditure & Leasing (Paragraphs B12.5 and highlighting the current text in paragraphs B12.4, B12.7 and B12.8);
- External Audit (Paragraph C16.4) - changes to reflect updated regulations;
- Other Review Bodies (Paragraph C16.5) - to reflect the terminology for HMRC;
- Payment of Accounts (Paragraphs D5.14 and D5.15);
- Pensions (Paragraph D8.2); and
- External Funding (Paragraph E2).

Agenda Item 10g

PROCEDURES COMMITTEE
9/07/19

For the Procedures for Tenders and Contracts (Part 5e), changes were proposed to paragraph 2.11 on selective tendering.

Members discussed and asked questions on the following issues;

- removing the word 'Member led' in paragraph B12.4;
- removing the word 'external' in paragraph B12.5;
- the importance of risk management and that the Authority had a robust process; and
- the procedures regarding gifts and hospitality for both Members and Officers.

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

RESOLVED that the proposed changes to the Constitution as outlined in the Report be approved, subject to removing the words 'Member led' in paragraph B12.4 and 'external' in paragraph B12.5.

* 65 **Ministry of Housing, Communities and Local Government: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities**

The Committee considered the Report of the County Solicitor (CSO/19/15) on the revised statutory guidance for Scrutiny from Ministry of Housing, Communities and Local Government's (MHCLG), which was published on the 7th May 2019, the impact on working practices, the Constitution and future working arrangements.

The full guidance was also available on the web at <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>.

In November 2018 (Minute *51 refers), at the request of Councillor Wright, the Committee had previously considered the Government's response to the Communities and Local Government Select Committee Report 'Effectiveness of Local Authority Overview and Scrutiny Committees'. At that meeting it had been agreed that the item be deferred until such time that the new guidance was received.

It was noted that Devon gave evidence into the original Select Committee consideration as well as the drafting of the statutory guidance. Whilst Scrutiny at Devon was well regarded, the publication offered the opportunity to review current practice over and above regular reflections and make improvements if and where possible.

The Head of Scrutiny presented the Report which summarised the main findings and suggestions for effective Scrutiny and evaluated them against Devon County Council's approach. The key points were:

- culture and creating the conditions for meaningful Scrutiny to operate, extending to the Chief Executive and Political Leadership;
- role and prioritisation – the role being clear and focused, with a carefully prioritised work programme;
- selecting Committee Members and Chairs – to be done considering skill set as well as politics;
- access to Information and ensuring Members had the right to access to support good Scrutiny, including commercial detail;
- gathering evidence and making recommendations and the role of the Chair in managing and gathering evidence as well as pulling together SMART and useful recommendations; and
- resourcing – sufficient resource to ensure the above issues happened and dedicated Scrutiny teams having a high profile in the authority along with the statutory Scrutiny officer role.

Members noted and welcomed the suggestions for improved visibility, work program planning, wider communications and a continuation of existing best practice (noting that Devon was highly regarded nationally).

Members commented and asked further questions on;

- other partners and organisations and their understanding of the Scrutiny function;
- that masterclass sessions were well received, but care was required not to treat these as 'scrutiny sessions';
- the guidance in respect of secret ballots and how effective these might be, notwithstanding two out of the three Chair positions at Devon were given to opposition groups;
- that training in questioning techniques (intended to take place later in the year) was welcomed;
- the role and practice of opposition party chairs in Scrutiny and how other authorities managed this process;
- the importance of 'smart' recommendations and fewer, but more focussed agendas to enable effective Scrutiny;
- the capacity of the team and Members to cover a large geographical area such as Devon; and
- the importance of publicity, good communications and promotion of Scrutiny work and task groups.

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

RESOLVED that all Scrutiny Committees be Chaired by opposition groups, including a role for the Independent Group in those positions.

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

RESOLVED that the new guidance be welcomed and the Council's approach to Scrutiny be endorsed as good practice, notwithstanding the suggested changes to work programming and communications, which would further strengthen the current robust working practices.

66

Model Disciplinary Procedure and Guidance - Joint Negotiating Committee for Chief Executives (Conditions of Service Handbook)

The Committee considered the Report of the County Solicitor (CSO/19/16) on the structures required to manage model disciplinary procedure, as outlined in the Conditions of Service Handbook for Model Disciplinary Procedure and Guidance by the Joint Negotiating Committee for Chief Executives.

In May 2019, the Council had received a letter from the Joint Negotiating Committee for Chief Executives of Local Authorities reminding Councils, as they entered a new civic year and would therefore be making appointments to various committees, of the requirements as set out in the Model Disciplinary Procedure and Guidance in the JNC Conditions of Service Handbook.

They reported there had been instances in recent months of some Councils not having the appropriate structures and standing committees in place in order that potential disciplinary issues could be quickly considered.

The guidance stated it was imperative that all Councils in England should establish:

- An Investigating and Disciplinary Committee (IDC) (Handbook para 1.2.2)
- An Appeals Committee (para 1.2.3);
- An Independent Panel (see para 1.2.4); and

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- An elected member with the designated power to suspend the Chief Executive immediately in an emergency (see para 3).

The Report highlighted that after a review of current processes, it was evident that the Council was compliant with the vast majority of requirements as outlined in the Joint Negotiating Committee for Chief Executives of Local Authorities (Model Disciplinary Procedure and Guidance).

The suggestions for change, outlined in full at section 7 of the Report, in relation to the Constitution, the remit of the Appointments and Remuneration Committee and Committee Structures sought to strengthen and clarify roles and responsibilities.

Members discussed and asked questions on the following issues.

- the reference to 'investigatory' and whether this was appropriate;
- the suggestion that 'conduct' would be a better description;
- clarity that the Chair of the Committee with power to suspend the Chief Executive was the Leader of the Council; and
- the role of the Deputy Leader in any suspension processes.

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

RESOLVED that the changes as proposed and outlined at section 7 of the Report be endorsed subject to;

- (a) the Appointments and Remuneration Committee being renamed Appointments, Remuneration and Chief Officer Conduct Committee;
- (b) an emphasis that the Leader of the Council has the powers of suspension (as Chair of the Appointments, Remuneration and Chief Officer Conduct Committee); and
- (c) that any suspension needed to be in consultation with the Deputy Leader.

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

The Meeting started at 10.30 am and finished at 12.15 pm

CHILDREN'S SCRUTINY COMMITTEE

10 June 2019

Present:-

Councillors R Hannaford (Chair), D Sellis, S Aves, F Biederman, C Channon, I Chubb, G Gribble, L Hellyer, R Hosking, A Saywell, M Squires and A Connett

Apologies:-

Councillors J Brazil and T Inch

Members attending in accordance with Standing Order 25

Councillors R Croad and J McInnes

* 115 Minutes

RESOLVED that the minutes of the meeting held on 18 March 2019 be signed as a correct record.

* 116 Items Requiring Urgent Attention: Ofsted's response to Written Statement of Action

(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 following receipt of a letter dated 13 May 2019 from Ofsted and CQC requiring the re-submission of a statement of proposed action within 20 working days. The letter had been tabled – see <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/send-local-area-inspection>.

The Chief Officer for Children's Services reported that the written statement of action, which had been submitted to Ofsted on 10 May 2019, had been deemed not fit for purpose. Although the letter recognised strengths in the actions in the plan being closely linked to the areas for improvement identified during the inspection, concerns were raised around monitoring and evaluation, clarity of milestones and indicators of success, including addressing weaknesses in the identification assessment, diagnosis and support for children and young people with autistic spectrum disorder.

It was noted that the statement had been amended in light of these concerns and would be re-submitted. The Chief Officer undertook to share the amended statement with the Committee.

* 117 Public Participation

The Chair read out a statement to clarify the Council's procedures for public participation at Scrutiny Committee meetings.

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged three oral representations made in relation to matters to be considered by the Committee.

Ms Sanchez spoke to item 6, Elective Home Education; Ms Palmer spoke to item 7, Devon Alternative Provision; and Ms Easton-Pool spoke to item 8, the EHCP Task Group report.

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All three speakers raised numerous questions against the items and undertook to submit their questions to the Committee Secretary for further consideration by Members.

* **118** **Election of Commissioning Liaison Member**

In line with the recommendations of the 'Scrutiny in a Commissioning Council' Task Group Report, the Committee was asked to select a Commissioning Liaison Member, whose role was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:
<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

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

RESOLVED that Councillor Hosking be re-appointed as the Commissioning Liaison Member for the Children's Scrutiny Committee.

* **119** **Elective Home Education**

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

The Committee received the Report of the Head of Education and Learning (CS/19/15) on Elective Home Education, which set out:

1. the Reasons Children become Home Educated;
2. the Legal Requirements relating to Elective Home Education (EHE);
3. Support provided by the EHE Service;
4. Action taken if concerns about the suitability of the EHE provision; and
5. EHE data.

Discussion points with Members and Officers included:

- the number of registered EHE pupils increasing at Years 9-11 due to a combination of factors including attending part-time college courses or suffering from stress/anxiety brought on by the pressure of exams and high expectations;
- there was no statutory requirement for a local authority to carry out any EHE visits, however, Devon did conduct monitoring visits and provide support if required;
- the responsibility for free school meals lay with the schools;
- it was difficult to assess the longer-term effects of EHE, as the DfE did not collate statistics; and
- at present, there was no right for a local authority to see the child to ensure elected education was taking place, unless there was a safeguarding issue, although Government was currently consulting on a potential change in the law in this area.

The Cabinet Member for Children and Schools reported that he was due to meet with the (new) Secretary of State shortly to address all areas of concern.

* **120** **Devon's Alternative Provision (Education)**

The Committee received the Report of the Head of Education and Learning (CS/19/13) providing an update on Devon's Alternative Provision (AP). A decision was made last summer to re-broker the provision to Wave Multi Academy Trust (MAT), a Cornwall based provider of Alternative Provision.

During the 2018 summer term, Ofsted had inspected provision at Dartington and Exeter, where both were judged inadequate, with safeguarding ineffective. A similar judgment had been made earlier in the year at the provision in North Devon.

In September 2018, Devon had agreed a new commissioning agreement with Wave, including a novation agreement upon re-brokerage. Wave had operationally run the provision from the start of the academic year.

On 1 November 2018, the Dartington, Exeter and North AP schools transferred to Wave Academy and renamed River Dart Academy, Stansfield Academy and Shoreline Academy respectively. As such, they did not carry the previous judgments and were unlikely to be subject to further Ofsted inspection for at least two years.

The Local Authority and Wave fully acknowledged that the loss of the inadequate judgment did not in any way remove the need for significant school improvement and significant work has been done since September, as outlined in the Report.

The re-brokerage of the Devon's AP had had a positive start and there had already been improvement across the provision. However, the legacy issues inherited by Wave would take some time to be fully addressed in a sector that remained under significant pressure due to numbers and the need of learners requiring AP.

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

RESOLVED

- (a) that Wave be invited to present a Masterclass session to Members in November, reporting on their first year as provider; and
- (b) that Member visits be conducted to the three AP schools, namely River Dart Academy, Stansfield Academy and Shoreline Academy, during the Autumn term.

* 121

The Education, Health and Care Plan Task Group

The Committee considered the Education, Health and Care Plan (EHCP) Task Group Report, which covered the process of applying for and producing an EHCP in Devon, which put the needs of the child or young person at the centre of all decisions. The task group had been created to respond to concerns around the Council and local partners not meeting the statutory 20-week timescale in completing and issuing EHCPs.

The task group had sought to ensure that the recommendations contained within the report were based on evidence collected from all witnesses and was confident that with collaboration they were realistic within the timeframe specified. They were pleased that some of their recommendations had already been included in the Written Statement of Action and were being actioned.

It was believed that now was the opportunity for the Council to improve outcomes and experiences for all children and young people with SEN in Devon Schools, and that by working closely with local partners in a collaborative and cohesive way, the ambitions set out within the report could be achieved.

The Committee extended their thanks to all those involved in the production of such a comprehensive report.

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

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RESOLVED that the Task Group report and recommendations be endorsed and commended to the Cabinet.

* 122 Schools Funding in Devon 2019/20

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

The Committee received the Report of the Head of Education and Learning (CS/19/17) on Schools Funding in Devon 2019/20. The Department for Education (DfE) introduced an additional £900 million to school funding in 2019/20. This was the second year of the £1.3 billion committed to school funding as part of the move towards a fairer National Funding Formula.

In 2019/20 funding per pupil in Devon was £4,395 compared to the national average of £4,689, a difference of £294. Across the authority this equated to £27 million less funding, based on the October 2018 school census.

The reduction in funding has had a significant impact on pupils as in order to balance budgets, schools have had to make significant reductions in teachers and support staff, despite a rise in pupil numbers. This had resulted in larger classes, but less teaching assistants and pastoral staff to support pupil's engagement and learning.

As to the current maintenance position, there was a total backlog of maintenance for local authority maintained schools in the region of £42.6 million, with £22.9 million described as critical backlog maintenance against an allocation in 2019/20 of £4.65 million.

The report also outlined the Priority Schools Building Programme where ten schools in Devon had now been completed, with the second phase projects due to be delivered in the near future.

In discussion with Members and Officers the following points were made, namely:

- that Government lobbying should continue;
- the backlog of maintenance now needed urgently to school buildings;
- Academy schools were no longer part of local authority schools and therefore funding was clawed back by the DfE; and
- round 3 of the priority schools building programme had been deferred.

It was **MOVED** by Councillor Aves, **SECONDED** by Councillor Hellyer

RESOLVED that the Cabinet be asked to lobby the Department of Education over the need to increase funding for schools in Devon, highlighting in particular:-

- (a) the real term reduction in schools funding of 10% since 2009/10;
- (b) that Devon gets £294 per pupil less than the national average;
- (b) high needs pressures and including increased EHCP numbers;
- (c) the inadequacy of Government capital maintenance funding to meet the current school building maintenance backlog; and
- (d) the deferment of announcement of round 3 of the priority schools building programme.

* 123 **Performance- Education**

The Committee received the Report of the Head of Education and Learning (CS/19/16) on the latest performance measures, highlighting key areas including: Early Years, Children in Care, requests for Statutory Assessments, transfers from statements, rates of absence, Parental Responsibilities and Penalty Notices, and Ofsted outcomes.

The Report highlighted:

- Devon was in the top performing quartile for Key Stage 2, Level 2 qualification at 19 years and older;
- Devon had also performed well on absence rates;
- performance in Key Stage 4 in English and Maths at grades 9 to 4 had improved slightly for Devon Children in Care, but was still below the national average;
- the number of children with an EHCP and those with SEN needs was above the national average;

* 124 **Youth Service recommissioning**

The Committee received the Report of the Head of Communities Devon Youth Service commissioning intentions for the draft specification. The current contract with DYS Space Ltd for youth services in Devon was due to expire on 31 January 2020. Representations had been made at a marketing event with potential bidders on 15 May to extend the current contract by two months in order to allow more time for small providers to provide a collective bid.

There was a sense both nationally and locally that young people faced increasingly complex challenges, including county lines drug trafficking, knife crime and sexual exploitation, and that a compelling youth service offer was important in response.

Government had recently announced that they were reviewing the guidance that set out the duty of local authorities to provide appropriate local youth services. Also, a new Youth Charter would be developed to set out a vision for young people for the future, and the Home Secretary had announced in October 2018 a £200 million Youth Endowment Fund, to be delivered over 10 years, focussing on those most at risk of involvement in serious violence.

In order to ensure continuity of service provision, the Commissioners recommended that successful providers be required to operate out of the eight existing youth hubs in Devon.

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

RESOLVED

- (a) that the commissioning intentions outlined in the Report be endorsed; and
- (b) that a further piece of Scrutiny work be undertaken towards the end of the year to review the adequacy of wider youth services across Devon including the role of third sector and community run provision.

* 125 **Risk Register - Annual Report**

The Committee received the Report of the County Treasurer (CT/19/53) Risk Management Annual Report, which set out the changes to risk management during 2018/19 and confirmed the role of the Committee as per the Risk Management Policy, summarising the existing risk position and links to visual reporting via power BI.

It was noted that as at 22 May 2019, there had been 13 risks recorded, of which the '*Demand for Children's Services exceeds the financial provision*' was initially assessed to be Very High

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but, following mitigating controls by management, the current risk score had been reduced to High. The highest current risk remained as '*Insufficient Capacity of the High Needs Block to Meet Demand*'

* **126** **Ofsted Focussed Visits - 1-2 May 2019**

The Committee received the Report of the Report of the Head of Children's Social Care (CS/19/19) on the visit by Ofsted inspectors that took place on 1-2 May 2019. Focussed visits were part of the new Inspection Framework for Local Authority Children's Service. They were designed to support improvements and local authorities were invited to identify the area of practice they thought would most benefit from a Focussed Visit. Most local authorities were weaker in the area of Children in Need and Child Protection, and Devon was no exception. Devon had identified Children in Need as a priority for improvement.

A letter from Ofsted dated 28 May 2019 identified four key areas where progress had been made and where further progress was needed.

A new Board had been constituted to monitor progress against Ofsted's recommendations and to test and challenge progress against the wider Service Improvement Plan.

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

RESOLVED that a further paper be brought to Committee in November outlining progress against Ofsted findings and the four areas highlighted by Ofsted as needing to improve.

* **127** **Special Guardianship Task Group**

The Committee considered the Special Guardianship Task Group Report and noted the recommendations contained therein. The Report focussed on the experience of Special Guardians and reflected on the issues faced by them.

Members expressed their thanks to everyone involved in the production of such a comprehensive report.

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

RESOLVED that the Report and recommendations be endorsed and commended to the Cabinet.

* **128** **Children's Social Care - Office Site Visits**

The Committee received the Scrutiny Report on site visits to Children's Social Care offices, as part of ongoing work in monitoring the performance and effectiveness of the Council's arrangements to protect and safeguard children in Devon. A programme of site visits was carried out to each of the four Children's Social Care offices in Devon and the MASH in Exeter, and the Report reflected on some of the key themes that seemed to be affecting children's social care staff and partners across the County.

The Head of Children's Social Care undertook to provide Members with a copy of the recent (peer) review that had been undertaken in the MASH.

* **129** **Performance - Children's Social Care**

The Committee received the Head of Children's Social Care Performance Report, which noted:

- the challenges and pressures that continued to exist in parts of the service;

- the difficulties currently faced by Devon and other local authorities to complete and submit annual census return data;
- changes made to the service practice priorities and the commencement of a period of accelerated improvement; and
- the impact of continuing efforts to bring about improvement in a number of key practice areas.

* **130 Commissioning Liaison Member Spring briefing**

The Committee received the Report of the Commissioning Liaison Scrutiny Member (CS/19/14) which highlighted in particular plans that were in place to visit the advocacy service to see how young people were benefitting. The advocacy service provided independent advocates for children and young people in care, care leavers, children and young people who were subject to child protection proceedings, and children and young people who had been adopted and were at risk of placement breakdown.

The Commissioning Liaison Member highlighted the potential benefit of appointing a Chair of the Commissioning Liaison Members.

131 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:

- IRO Annual Report (briefing note)
- Young People Involvement in Services
- New Children's Healthcare Providers (Masterclass)
- Public Health Nursing (Spotlight Review)

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

The Meeting started at 2.25 pm and finished at 6.07 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

18 June 2019

Present:-

Councillors S Randall-Johnson (Chair), H Ackland, J Berry, P Crabb, R Peart, S Russell, A Saywell, R Scott, J Trail, N Way, C Wright and J Yabsley

Members Attending in accordance with Standing Order 25
Councillors R Croad and I Hall

Apologies:-

Councillors M Asvachin, A Connett, P Sanders and P Twiss

* **127** **Minutes**

RESOLVED that the Minutes of the Meeting held on 21 March 2019 be signed as a correct record.

* **128** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **129** **Public Participation**

There were no oral representations from members of the public.

* **130** **Health and Care: General Update**

The Committee considered the Report of the Joint Associate Director of Commissioning (Devon County Council and NHS Devon CCG) and the (Interim) Director of Commissioning - Northern, Eastern and Southern Devon (NHS Devon Clinical Commissioning Group).

The Report responded to specific questions from previous meetings and updated on latest news covering respectively GP Practices, the South West Ambulance Service Foundation Trust (SWASFT), use of apps and digital innovation and integration care system, the NHS and Clinical Commissioning Group and Adult Care and Health communications update, the Joint Health and Wellbeing Strategy, the Loneliness campaign, the Proud to Care campaign, the Adult Social Care Green Paper, the Provide Engagement network (PEN), and the Personal Assistant recruitment campaign.

Members' discussion points/comments with the Joint Associate Director of Commissioning and the Chair of the Northern Locality Commissioning Board included:

- An update on GP practices and the need for further information relating to retirees, local pressures and possible impact on patients in the future and how the Devon's CCG's position compared with other STP areas;
- Members undertaking a visit to a GP practice as part of their series of model of care visits;
- benefits with aligning GP Practice work with the local cluster groups and the developing Primary Care Networks within the Long-Term Plan for Devon, engaging with Hospital Trusts and local communities;

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- the Peninsula Clinical Services strategy and the need to report developing plans and proposals for hospital based clinical services to allow understanding both for the process and issues; and
- the Loneliness Campaign as part of the overall strategy to promote independence within the Integrated Care Model, use of informal community assets including befriending schemes building on community resilience and the role of the independent sector.

The Committee noted this model report for receiving future updates and general information responding to specific actions or requests during committee meetings to allow for further scrutiny should more information be required.

* 131

Winter Pressures 2018/19

The Committee considered the Report of the Joint Associate Director of Commissioning (Devon County Council and NHS Devon CCG) and (Interim) Director of Commissioning – Northern, Eastern and Southern Devon (NHS Devon CCG) (ACH/19/112) on an annual update on the performance of the health and care system during winter 2017/18. This included a review of activity and performance over the winter period of October 2018 to March 2019 and provided a comparison against the previous year where available. It also provided a summary of the winter review held by the multi-agency Devon Accident and Emergency (A&E) Board in May 2019. This summarised what went well and what could have been improved, which informed the priorities for winter planning in 2019/20.

The Report covered performance in pre-admission to hospital, hospital performance, and discharge and post hospital care.

Members' discussion points/comments with the Associate Director, Head of Adult Care Operations and Health, the (Chief Executive of the Torbay and South Devon NHS Foundation Trust; and the Royal Devon and Exeter Hospital Trust (R D & E), Emergency Department Lead Consultant included:

- the improved position in the RD & E and in South Devon and Torbay through robust planning and investment by the joint Accident and Emergency Delivery Board and other mitigating actions;
- importance of the vaccination of vulnerable groups at Primary Care level to alleviate future potential pressures;
- the causes of the two week and 62-day cancer performance concerns relating to increased referral to treatment rates and staffing and initiatives to mitigate the pressures with collaborative working and use of resources over a wider geographical area and as part of the work-force strategy within the STP;
- delays in allocating work/completing assessments and delays in meeting assessed need (unfilled packages of care/unmet need) and strategies to mitigate the pressures for example with adoption of the Guaranteed Hours project and other ways of supporting providers and their care staff and noting that vulnerable adults would be provided with alternative safe care agreed with their families pending an agreed care package;
- initiatives to support carers through new technology, education and training programmes;
- higher care costs within the rural areas and need for proper recognition of these; and
- improved efficiency through IT and information sharing across the system and the various apps available to the public.

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

RESOLVED

(a) that the positive news on Accident and Emergency waiting times/performance and vaccinations rates be welcomed;

(b) that the Committee notes with concern all the areas of underperformance outlined in the Report and in particular relating to:

- waits for cancer referrals,
- delayed transfer of care,
- delayed transfer of care,

(b) that a bi-annual performance report be submitted to this Committee for monitoring purposes.

* **132 Public Health Annual Report**

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

The Committee considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity (PH/19/01) on the Director of Public Health's statutory duty to write and publish an annual report, which provided an independent judgement about the state of health of the local population. The full Report was available at: <http://www.devonhealthandwellbeing.org.uk/aphr/>.

The Annual Public Health Report for Devon County Council was the twelfth in a series of annual reports on the health of the population of Devon which began in 2007-08. Each report covered the general health of the population of Devon. Details about health and wellbeing could be found in the annual Joint Strategic Needs Assessment which was available at: www.devonhealthandwellbeing.org.uk/jsna.

This year's Public Health Annual Report took as its theme the Mental Health and Wellbeing of the Population. Health inequality persisted and remained a challenge – for example, Ilfracombe still had the shortest life expectancy in Devon. Inequality also existed between physical and mental health: while indicators of physical health tended to be good overall, with only a few exceptions, the population of Devon did not compare as favourably on indicators of mental health. In fact, in the Devon Health and Wellbeing Board's outcomes set, progress made over the last six years on physical health indicators in both absolute improvement and relative ranking compared with local authority comparator groups was the opposite when it came to the mental health indicators chosen by the Board.

The Report outlined ten recommendations to help improve mental health outcomes.

Members' discussion points/comments with the Chief Officer included

- the close relationship between physical and mental health;
- the range of therapies available, the role of Members as champions of Mental Health,
- promotion of awareness in schools including support and training for teachers, the on-line and direct counselling available for young people;
- the wider social determinants of Mental Health and Wellbeing;
- the National Happiness Survey which showed that Devon compared favourably but much less so for those suffering from mental health issues and more work was required;
- the Mental Health Strategy within the STP which received a high priority;
- the role of the Primary Care Networks in addressing inequalities and mental health; and
- armed forces veterans and the lead roles of Public Health and the Devon Partnership Trust working with veteran groups and the armed services, use of the outreach vehicle and an impending Veterans' conference in September 2019 to which members would be invited.

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* **133** **A Long Term Plan for Devon**

The Committee considered the Report of the Joint Associate Director of Commissioning (Devon County Council and NHS Devon CCG) and Deputy Director of Strategy (NHS Devon CCG) (ACH/19/111) previously discussed by this Committee on shaping and delivering Devon's system plan.

The Report provided a description of the overall process and timescales and phases involved in the development, approval and publication of the Plan; and a description for engagement at Locality District, County and STP wide levels; executive arrangements for progressing its development and the role and function of the Health and Well-being Board; and use of the Devon-wide CCG's engagement channels; and the next steps.

Planning guidance from Government was still awaited which meant a margin of uncertainty relating to local arrangements, responsibilities and planning at the STP level and how concerns over governance, transparency and accountability would be addressed.

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

RESOLVED that the Officers be asked to develop a plan for engagement that specifies a role for Councillors at both County and District levels within the localities as an engagement channel with regard to the Long-Term Plan.

* **134** **Rapid Response Spotlight Review - Update**

The Committee considered the Report of the Head of Service for Adult Care Operations & Health on an update on the implementation of the recommendations of the Spotlight Review of Rapid Response services in 2018.

The Report gave a detailed response to all the recommendations from the Review.

Members comments and discussion points with the Head of Service included the numbers relating to Community Hospital admissions and the relationship between winter pressures and the number of adults with delayed packages of care and the reasons behind the disproportionate referrals in the Eastern Locality.

Officers would produce a yearly report for the Committee on the Service.

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

The Committee considered the Report of the County Treasurer (CT/19/54) on the Annual Report which set out the changes to risk management during 2018/19 and the role of the Scrutiny Committee in accordance with the Risk Management Policy. The Report further summarised the existing risk position and links to visual reporting. Appendix A of the Report showed the risks and Appendix B showed the mitigating actions for the risks whose current score was High.

The County Treasurer and Head of Adult Care Operations and Health outlined areas of key risk relating to market sufficiency, work force capacity, complex care needs and the increasing number of adults of working age with disabilities.

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

RESOLVED that the Committee's concern over the areas in the Risk Management Report described as high or very high be recorded, whilst acknowledging the work of the Officers, Cabinet and other Members to mitigate those risks.

* 136 **Understanding the Model of Care: South Western Ambulance Service Foundation Trust Visit**

The Committee considered the Report of the Members (CSO/19/12) on a visit by the Chair and four other Members to SWASFT Headquarters on 1 April 2019 when they had met with a range of staff including the Chief Executive and Executive Director of Operations. The Report outlined the issues and areas identified by Members, including demand and staffing, IT, liaison with the Clinical Commissioning Groups and Acute Trusts, and Ambulance delays and causes, community first responders and apprenticeships.

The Members congratulated the work of the staff and officers of the Foundation Trust under difficult circumstances.

The learning from the visits would be used to inform the Committee's future work programme.

* 137 **Understanding the Model of Care - Sidmouth/Axminster/Seaton Cluster: Scrutiny Site Visits**

(Councillor Hall attended in accordance with Standing Order 25 (2) and spoke to this item referring to the valuable work of local voluntary groups and opportunities to providing additional support and resources as part of the STP's work and Scrutiny's role in evaluating the work of the voluntary sector and promoting and supporting their work)

The Committee considered the Report of the Health & Adult Care Scrutiny Members (CSO/19/17) on visits to the community health and care teams in Sidmouth, Axminster and Seaton clusters all on 22 May by Members of the Committee. Broad themes and issues identified by Members related to prevention strategies, recruitment and staffing, and the benefits of working in a multidisciplinary team and the role of the voluntary sector.

Members commended the visits as a worthwhile exercise which should be continued.

Shared learning from the visits would be used to inform the Committee's future work programme.

* 138 **Quality Accounts Annual Update**

The Committee considered the Report of the of the Health & Adult Care Scrutiny Members (CSO/19/18) on the Quality Accounts which detailed quality and safety improvements from the previous year as well as planned improvements for the year to come.

On 14 May 2019 NHS providers delivered presentations to the Members of the Standing Overview Group on their Quality Accounts for 2019-20 and priorities in terms of improvement. Members' feedback had been sent to the providers to be incorporated into their Quality Accounts. This annual review followed on from a 6-month review of progress against the NHS providers' Quality Accounts that had been undertaken on 19th December 2018.

Learning from the meeting with health providers would be used to inform the Committee's future work programme.

* 139 **Appointment of Commissioning Liaison Member**

The role of the Commissioning Liaison Member was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

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

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RESOLVED that Councillor Twiss be re-appointed as the Commissioning Liaison Member for this Committee.

* **140** **Work Programme**

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

- (a) Health and Care: General Update;
- (b) Performance (Bi- annual Report);
- (c) Long Term Plan – Member engagement (Minute *133 refers);
- (d) Rapid response (Minute 134 refers).

A Member Visit was being arranged to the Multi-Disciplinary Team in Tavistock on 3 July, and that a Spotlight Review on Carers was planned for 15 July 2019.

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

* **141** **Information Previously Circulated**

The Committee noted a list of information previously circulated for Members, since the last meeting, relating to topical developments which had been or were currently being considered by this Scrutiny Committee, as follows:

..

- (a) Devon Partnership NHS Trust: Press Release: Staffing Challenges in North Devon: challenges recruiting qualified mental health nurses at the North Devon District Hospital site and finding bank or agency staff who are qualified nurses.
- (b) Care Quality Commission calls for improvements at Derriford Hospital's Emergency Department.
- (c) Health & Care Insights Issue 17: latest issue of Health & Care Insights from Torbay and South Devon NHS Foundation Trust.
- (d) Closing the gap: Key areas for action on the health and care workforce: joint report with the Nuffield Trust and the Health Foundation, The King's Fund which set out a series of policy actions that, evidence suggests, should be at the heart of the workforce implementation plan.
- (e) Devon CQC Data Profile: Older People's Pathway: link to the Devon CQC Data Profile: Older People's Pathway.

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

The Meeting started at 2.15 pm and finished at 5.35 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

25 June 2019

Present:-

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

Apologies:-

Councillors J Berry and C Slade

Members attending in accordance with Standing Order 25

Councillor Scott

* **125** **Minutes**

RESOLVED that the Minutes of the meeting held on 26 March 2019 be signed as a correct record.

* **126** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **127** **Announcements**

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

* **128** **Public Participation**

There were no oral representations from Members of the Public.

* **129** **Election of Commissioning Liaison Member**

In line with the recommendations of the 'Scrutiny in a Commissioning Council' Task Group Report, the Committee was asked to select a Commissioning Liaison Member, whose role was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:

<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

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

RESOLVED that Councillors Atkinson and Ball continue as Commissioning Liaison Members for the ensuing year.

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* **130** **Scrutiny Work Programme**

RESOLVED that the following topics be included in the work programme:

- Annual Work Programme review session
- Devon & Somerset Fire Service – station closures
- Climate Emergency Standing Overview Group
- Food banks and the root causes of use
- The Circular Economy

* **131** **Connecting Devon and Somerset (CDS) Broadband - update**

The Committee considered the Report of the Head of Economy, Enterprise and Skills (EES/19/4) 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.

At present all five of the Gigaclear contracts remained in default and re-design work by the company was due to complete at the end of July.

Since the last update report to Scrutiny, CDS had delivered broadband coverage to a further 3,500 premises in North Devon, working with Airband and was successfully completing a series of Community Challenge Pilots. As agreed at the last Scrutiny meeting, an update on the CDS Programme had been circulated to Members and other stakeholders last month.

CDS were engaging with the market to test options and opportunities to extend broadband coverage, including gigabit access and was working with Government in developing and rolling out its Rural Connectivity Programme.

BDUK continued to operate the Gigabit Voucher Scheme and it was reported that more than 800 voucher requests had been made across the CDS area.

Members' discussion points with Officers included:

- clarification over the Gigaclear redesign, the method of deployment and whether there were alternative business options;
- an increase in the amount of gainshare reinvested from the BT contract, which was expected to benefit a further 2,000 homes from a full fibre solution over the next few years; and
- the Community Challenge Fund engaging with local communities to co-produce a broadband solution that worked best for them with CDS support.

RESOLVED that the Committee keep a watching brief on the progress of CDS, with an update report to the September Committee following development of the Gigaclear contract at the end of July.

* **132** **Traffic Speed Task Group**

The Committee considered the Report of the Traffic Speed Task Group and the recommendations contained therein. Members expressed their thanks to all those involved in the production of the Report.

Members further commented on the positive effect of 20mph on climate change, the importance of culture change and educating communities in relation to 20mph and the role of the planning process in designing housing and communities that supported 20mph zones. It was further highlighted that some budget lines were already committed, therefore it was recognised that some works might need to be deferred and / or re-organised to accommodate the recommendations.

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

RESOLVED that the Task Group Report and recommendations be commended to the Cabinet with a report on progress requested in nine months.

* **133** **Devon Permit Scheme for Road and Street Works**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/50) on the Devon Permit Scheme for Road and Street Works, a draft of which was appended to the Report. The introduction of such a Permit Scheme was designed to minimise transport disruption on the highway network associated with roadworks.

It was intended to move from the existing noticing system to a roadworks permit system in early 2020. Works promoters, including the Council, would be required to seek permission to work on the highway rather than notify their intention to do so. Permits would be charged for by the day. The scheme would cover all roads for which the Council were the Highway Authority and would be reviewed after one year.

RESOLVED that the Commissioning Liaison Members monitor progress and review after a year of implementation and report back to a future Committee.

* **134** **Highways Performance Dashboard**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/51) on the Highways Performance Dashboard, which focussed on some of the current seasonal work types that were being undertaken, namely overview of grass cutting; overview of surface dressing; environmental issues; and management of insurance claims.

Members' discussion points with Officers included:

- the number of street lights now converted to LED units at 27,000; and
- the need to involve Parish Clerks in the Planned Maintenance Schemes to coordinate works – Parish and Town Council Conferences would be taking place in the autumn.

* **135** **Maintenance of Vegetation and Drainage Adjacent to Highway**

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

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/52), which set out the responsibility of the Council and landowners in respect of the cleaning of ditches and maintenance of hedges adjacent to the highway, as requested at the last Committee meeting.

Many hedges grew on the edge of the highway and bordered private properties. Members were advised it was the responsibility of the adjacent landowner or occupier to properly maintain them and any trees or other vegetation the hedge contained. Landowners and occupiers were required by the Highways Act to trim any hedge next to the public highway where the growth was preventing the passage, or affecting the safety, of the highway user.

Members' discussion points with Officers included:

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- holding major landowners, as well as tenant farmers, to account to maintain their lands which are adjacent to highways, including keeping hedges and ditches maintained and tidy;
- ensuring hedge cuttings were cleared by the landowner and not left on the highway for the local authority to clear away;
- the cost to landowners in clearing away and recycling any vegetation;
- the use of Pillar 2 payment scheme, as a single payment from Government to farmers for environmental projects;
- occurring problems with DCC tenant farmers as well as private landowners;
- engaging with the NFU and CLA to improve this current situation around maintaining vegetation and drainage adjacent to the Highway; and
- increasing communications from the Council's Communications and Marketing team around this issue.

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

RESOLVED

(a) that the relevant Cabinet Member be asked to:

- (i) where appropriate, write to Landowners to prompt them and their tenants to undertake their duties regarding maintenance and drainage adjacent to the highway;
- (ii) write to the NFU and CLA to request a meeting to discuss responsibilities with a view to improving the current situation; and
- (iii) consider inviting the NFU to the planned local conferences.

(b) that Cabinet ask the Communications team to publicise the policy and responsibilities of landowners and tenants regarding ash die back, hedge cutting and drainage.

* 136 **Treasury Management Stewardship Annual Report**

The Committee considered the Report of the County Treasurer (CT/19/59) on the Treasury Management Stewardship Annual Report 2018/19 setting out the outturn position, reviewing performance and informing Members of any key matters arising from the Council's Treasury and Debt Management activities during the 2018/19 financial year. The Strategy attached at Appendix I to the Report corrected the previous version presented to Cabinet and Council, which contained omissions.

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

RESOLVED that the Treasury Management Stewardship Annual Report for 2018/19 be commended to Cabinet and furthermore the corrected Treasury Management Strategy for 2019/20 be endorsed.

* 137 **Risk Register Annual Report**

The Committee considered the Report of the County Treasurer (CT/19/55) which set out the changes to risk management during 2018/19 and summarised the existing risk position and links to initial work on visual reporting via power BI. Members were urged to look at the risks in the light of the Committee's work programme.

In the areas for which this Scrutiny had a responsibility, there were 11 risks with a current score of High at the end of 2018/19, a net increase of one. During the year, 22 risks had been archived due to the ongoing application of management actions.

RESOLVED that the current risk position as shown in the Report be acknowledged and that the highest scoring risks be considered when creating future work programmes.

* **138** **Locality Budget Annual Report**

The Committee received the Joint Report of the County Treasurer and Chief Officer for Communities, Public Health, Environment and Prosperity (SC/19/1)) which, in line with the Council's 'Locality Budget Operating Principles', provided an annual statement summarising the allocations approved by Members in relation to their Locality Budgets.

Members' discussion points centred around Devon's Crowdfund pilot scheme, including the uptake and success in the first year; the process of project applications and the number of Councillors who had not spent their locality budgets.

* **139** **Items Previously Circulated**

Information previously circulated to Members since the last meeting, relating to topical developments which had been or were currently being considered by this Scrutiny Committee included:

- (a) Link to 'Scrutiny Frontiers' publication by the Centre for Public Scrutiny (25/3/19)
- (b) Slides from the Preparing for Brexit Masterclass (26/3/19)
- (c) Copy letter from the Head of Scrutiny to Cabinet Member Cllr Gilbert regarding the Connecting Devon and Somerset broadband programme (9/4/19)
- (d) Presentation and flipchart notes from Property Consultancy Members' Workshop on 11 April (24/4/19)
- (e) Scrutiny Guidance (17/4/19)

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

The Meeting started at 2.15 pm and finished at 5.40 pm

