

*County Council  
Thursday, 5th December, 2019*

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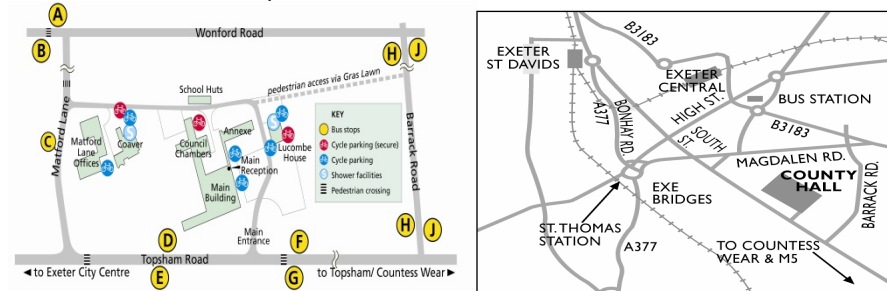
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NB **A** **J** Denotes bus stops

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### 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

27 November 2019

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 5th December, 2019 at 2.15 pm.**

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

Chief Executive

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

**AGENDA**

**1 Apologies for Absence**

**2 Minutes**

To approve as a correct record and sign the minutes of the meeting held on 3 October 2019.

**3 Announcements**

**4 Items Requiring Urgent Attention**

**5 Apprenticeship Offer and Ambassador Network**

Members to receive a presentation on the role and activities of the Council's Apprenticeship schemes.

**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 DECISIONS**

**9 Heart of the South West Joint Committee Governance Arrangements (Pages 1 - 10)**

To receive and approve the Report of the Chief Executive (CX/19/1) with proposals for the Constituent Authorities on the Heart of the South West (HOTSW) Joint Committee's Governance Arrangements and budgetary position for 2019/20, together with the Minute [407 \(a-c\)](#) of the Cabinet held on 9 October 2019.

The Report is attached.

**10 Climate Change: Devon County Council's Updated Energy and Carbon Strategy (Pages 11 - 16)**

To receive and approve the Report of the Head of Planning, Transportation and Environment (PTE/19/35) recommending an approach setting a revised energy and carbon strategy for the Council's (DCC) operations in response to the climate emergency, together with the Minute [408 \(a and b\)](#) of the Cabinet held on 9 October 2019.

The Report is attached.

**OTHER MATTERS**

**11 Cabinet Member Reports**

To consider reports from Cabinet Members.

**12 Minutes**

To receive and approve the Minutes of the under mentioned Committees

- a** Appeals Committee - 16 October 2019 (Pages 17 - 18)
- b** Development Management Committee - 16 October 2019 (Pages 19 - 20)
- c** Standards Committee - 4 November 2019 (Pages 21 - 26)
- d** Procedures Committee - 7 November 2019 (Pages 27 - 30)
- e** Public Rights of Way Committee - 12 November 2019 (Pages 31 - 34)
- f** Audit Committee - 14 November 2019 (Pages 35 - 36)
- g** Investment and Pension Fund Committee - 15 November 2019 (Pages 37 - 42)
- h** Children's Scrutiny Committee - 18 November 2019 (Pages 43 - 46)
- i** Corporate Infrastructure and Regulatory Services Scrutiny Committee - 26 November 2019

The minutes will be published [here](#) shortly.

j Development Management Committee - 27 November 2019

These minutes will be published [here](#) shortly.

k Health and Adult Care Scrutiny Committee - 28 November 2019

The minutes will be published [here](#) shortly.

l Appeals Committee - 2 December 2019

The minutes will be published [here](#) shortly.

### **NOTICES OF MOTION**

#### **13 Climate Emergency and the Inclusion of Ecological Emergency (Minute 239 - 3 October 2019)**

To receive and consider the recommendations of the Cabinet (Minute 422(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely:

*That DCC amends the Declaration of a Climate Emergency to include an Ecological Emergency.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/25) and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved:**

*that Council be advised that no further action need be taken, given that agreement on this issue has already been reached through the Devon Climate Emergency Response Group.*

#### **14 Reconsideration of Dates for Carbon Neutrality (minute 240 - 3 October 2019)**

To receive and consider the recommendations of the Cabinet (Minute 422(b)) 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:

*In response to the recent Climate & ecological Emergency protests, this Council will reconsider its date for becoming carbon neutral from 2050 to a revised date of 2025.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/25) and other suggestions or alternatives considered at that meeting **the Cabinet subsequently resolved:**

*that the Council ratifies the target date, recently endorsed by Cabinet, of 2030 for this authority to achieve carbon neutrality and, through its role in the Devon Climate Emergency Response Group, encourages the Net-Zero Task Force to be ambitious in its drafting of the Devon Carbon Plan.*

## 15 LGBT+ Inclusive Relationship and Sex Education

Councillor Hannaford to move:

*This Council notes that LGBT+ inclusive relationships and sex education is crucial to the development of young LGBT+ people, and in creating a more tolerant, caring and open society.*

*Council notes with concern that the current climate for LGBT+ people in the UK means that that nearly half - including 64 per cent of trans pupils - are bullied for being LGBT+ in Britain's schools.*

*Council notes that the repeal of Section 28 was a pivotal moment for LGBT+ rights, and that the UK must never move backwards on LGBT+ rights by stopping LGBT+ inclusive education in schools.*

*Council notes that people of all faiths and none are LGBT+ and it is vital that all children receive comprehensive and inclusive age appropriate relationships and sex education.*

*Council welcomes the introduction of statutory Relationships Education and Relationships and Sex Education (RSE), which all primary and secondary schools in England respectively will be required to teach from September 2020.*

*Council affirms unequivocally its support for compulsory LGBT+ inclusive Relationships Education and Relationships and Sex Education in all state funded primary and secondary schools.*

*Council commits to ensuring that schools are delivering RSE in line with new Government guidance.*

## 16 Care Leavers Council Tax Exemption

Councillor Hannaford to move:

***This Council notes that:***

*1. Last year 780 young people (aged 16 or over) left the care of Devon County Council and began the difficult transition out of care and into adulthood.*

*2. A 2016 report by The Children's Society found that when care leavers move into independent accommodation they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty.*

*3. Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.*

*4. The local authority has statutory corporate parenting responsibilities towards young people who have left care up until the age of 25.*

5. The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions.

***This Council believes that:***

1. To ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying council tax until they are 25.

2. Care leavers are a particularly vulnerable group for council tax debt.

***This Council, therefore, resolves:***

1. To use the county council's convening powers and expertise in corporate parenting to work with all council tax collecting authorities to exempt all care leavers in the county from council tax up to the age of 25, sharing any arising costs proportionately.

**17 Artificial Light Pollution**

Councillor Shaw to move:

*This County Council is concerned by scientific findings showing that artificial light pollution is a major factor in the decline of insect populations, and resolves to review the appropriateness of all external lighting for which the Council is responsible in the light of this concern, in conjunction with its Climate Emergency planning.*

**18 Devon and Somerset Fire and Rescue Service - Consultation and Options for Change**

Councillor Shaw to move:

*This County Council notes that the Devon and Somerset Fire and Rescue Service have carried out a public consultation on 7 options for change, all of which include the closure of fire stations at Appledore, Ashburton, Budleigh Salterton, Colyton, Kingston, Porlock, Topsham and Woolacombe, as well as the removal of engines from other stations, and that, while a potential overall improvement in safety has been claimed as a result of these options, all are likely to result in increased risk for the substantial proportion of Devon's population who live near the affected stations.*

*This County Council notes that divisional members representing affected stations who are not members of the Fire and Rescue Authority, while having had the opportunity to submit written representations to the consultation, would not normally be able under the Authority's Standing Orders to address the Authority's decision-making meeting, This Council therefore requests the Authority to provide an opportunity, Standing Orders notwithstanding, for any affected members who wish so to speak.*

*This County Council also regrets the failure of the Fire and Rescue Service to consult directly with the Council as a partner Category 1 responder organisation in*

*the provision of emergency services under the Civil Contingencies Act 2004, and notes that detailed discussion of the impact on civil contingencies such as flooding was not provided in the consultation. The Council therefore resolves to communicate its concern to the Service about this aspect of the consultation.*

**19 Prevention Concordat for Better Mental Health and the 'Every Mind Matters' Campaign**

Councillor Scott to move:

*DCC to sign the Prevention Concordat for better mental health.*

*Recognises and commits to support The Every Mind Matters campaign.*

*Supports the mental health of all DCC employees and contractors, this is key to providing first class services and leadership in Devon.*

*Understands the need to prevent mental health problems and promote good mental health through the lived experience of people who have suffered mental health problems.*

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

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

*Health & Wellbeing Board-*

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

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



### **Access to Information**

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

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

### **Interests**

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

### **Questions from Councillors**

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

### **Public Participation**

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

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

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

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

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

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

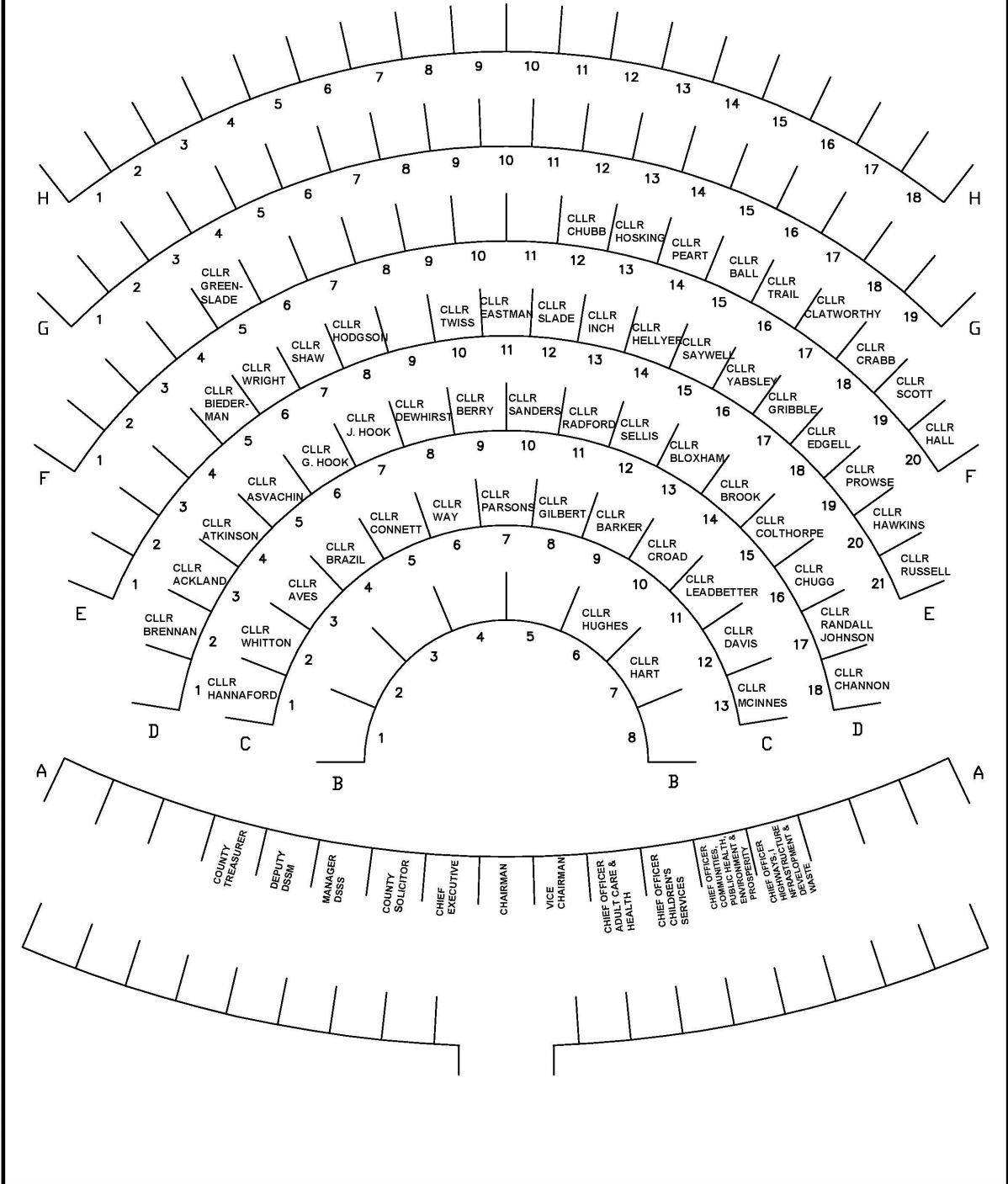
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Induction loop system available

# Council Chamber Seating

MAY 2019



CX/19/1

Cabinet  
9 October 2019

Council  
5 December 2019

## Heart of the South West Joint Committee – Governance Review Report

Report of the Chief Executive

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

### Recommendation:

It is recommended that the Council:

- (a) as a constituent member, approve the amendments (highlighted in italics) to the Heart of the South West Joint Committee's list of functions in the Arrangements document – Appendix A attached and note the updated budget position for 2019/20;**
- (b) as a constituent member approves the recommendation from the Joint Committee on 27<sup>th</sup> September 2019, to re-appoint Somerset County Council as the Administering Authority for the Joint Committee;**
- (b) makes provision of £21,000 as a contribution to the administration and work programme of the Committee in 2020/21 financial year subject to all other Constituent Members making a financial contribution based on the methodology agreed in previous years;**

### 1. Summary

This report provides an update for the Constituent Authorities on the Heart of the South West (HOtSW) Joint Committee's governance arrangements and budgetary position for 2019/20. The report contains recommendations for amendments to the Committee's Arrangements document following a governance review.

### 2. Background

The Council has been a member of the Heart of the South West Joint Committee since its creation in August 2015. The Committee became a formal body in March 2018. The Committee has twenty-one members:

- Devon County Council
- Somerset County Council
- Plymouth City Council
- Torbay Council
- All Devon and Somerset District Councils

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- Dartmoor and Exmoor National Park
- Heart of the South West Local Enterprise Partnership
- Devon and Somerset Clinical Commissioning Groups

The Committee acts as a single voice to Government on socio-economic and environmental issues and makes the case for additional powers and funding to be transferred to its individual members for the benefit of the people of Devon and Somerset.

### **3. Review of the role and functions of the Joint Committee**

The Constituent Authorities have previously agreed one addition to the list of delegated functions by giving the Joint Committee the function of agreeing the local authorities' input into the development of the HoSW Local Industrial Strategy (LIS).

In addition to the above policy development, the need to review the governance arrangements arose from:

- Changes in Government policy away from large devolution 'deals' to a more targeted dialogue on key themes of relevance to the local authorities and partners, eg, housing. The Joint Committee's influencing role has become increasingly important as recognised by Ministers, local MPs and Government officials. The ambition remains to draw down additional functions, powers and funding from Government.
- The evolution of the Joint Committee's role from agreeing policy (the HotSW Productivity Strategy) to overseeing delivery of the Strategy alongside the LEP.
- The developing relationships with other key local partnerships to ensure that there are appropriate reporting lines, ie, HotSW LEP Joint Scrutiny Committee, Peninsula Transport Board, Great South West, HotSW Local Transport Board.

Accordingly, the Committee has refined its focus into the following areas:

- Strategic policy development
- Influencing Government / key agencies to achieve direct intervention, support, funding and powers
- Designing and delivering strategic HotSW responses to 'Government' offers
- Designing and delivering public sector reform where this will deliver improved productivity, eg in health and education
- Delivering at scale –(beyond what individual councils can achieve)
- Oversight of the Delivery Plan – working with the HotSW LEP to ensure delivery of the HotSW Productivity Strategy.

It is not proposed at this stage to request the delegation of further functions from the Constituent Authorities to the Joint Committee.

These refinements to the focus of the Committee have been reflected in amendments to the list of functions contained in the Joint Committee's 'Arrangements' document – see Appendix A attached.

The subject matter focus for the Joint Committee will fall into the following areas of the Delivery Plan:

- Housing – including bid(s) for strategic housing deal(s) designed, submitted and agreed resulting in additional investment into HotSW
- Major Route Corridor Study agreed and completed
- Agreed HotSW LIS which meets our transformational objectives
- Successful engagement plan with MPs / Ministers
- Successful operational phase of the Brexit work in collaboration with Government
- Preparation for / response to offers of public sector reform to improve productivity
- Agreement and submission of Coastal Communities proposal to Government seeking additional Government support for our coastal communities
- Development of the JC's investment framework required to deliver the Productivity Strategy within a new national funding environment.
- Enable the partners to prepare for and respond to opportunities arising from the Comprehensive Spending Review and the Shared Prosperity Fund.

### **3.1 Joint Committee Political Arrangements**

The Committee has agreed to change its meeting arrangements to achieve a better balance between formal decision-making meetings (fewer) and more opportunities for informal engagement and challenge sessions.

In addition, two informal engagement sessions will be arranged per annum to engage relevant Portfolio Holders and Directors on Joint Committee business.

### **3.2 Appointment of Administering Authority**

At the time of the establishment of the Joint Committee, the Constituent Authorities agreed to appoint Somerset County Council as the Administering Authority for the Joint Committee for a two-year period from 22 January 2018. With this appointment coming to an end early in the new year the HotSW Chief Executives' Executive Group has considered an appointment for the next two-year period (as required by the Joint Committee's 'Arrangements' document).

The detail of the Administering Authority role is set out in the Joint Committee's Arrangements document but in summary it includes:

- Running the Joint Committee business and meetings;
- Administering the Joint Committee's budget;
- Responsibility for the Committee's communications and engagement plan including maintaining the Joint Committee's website.

The view of the HotSW Chief Executives' Executive Group is that Somerset County Council has done an excellent job of supporting the Committee and their recommendation is to reappoint the County Council to the Administering Authority role for a further two-year period from 23 January 2020 to 22 January 2022. The Joint Committee approved this recommendation at its meeting on the 27<sup>th</sup> September 2019. In anticipation of this approval, Devon County Council is recommended to agree to the reappointment of Somerset County Council as the Administering Authority to the Joint Committee for the period from 22 January 2020 to 21 January 2022.

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## 3.3 Joint Committee Management Support Arrangements

Comprehensive management support arrangements have been in place to support the partnership (and latterly the Joint Committee) since 2015. These have been recently reviewed and refined. To minimise direct support costs impacting on the Committee's budget, most of the officer resource is provided by the Constituent Authorities on an 'in-kind' voluntary basis. Other direct budget contributions towards the Committee support costs have been allocated to refund those Constituent Authorities who have provided officer resources for project management capacity and administrative support to the Brexit Resilience and Opportunities Group.

The diagram in Appendix B shows the revised management support arrangements of the Joint Committee.

The revised arrangements provide for:

- A CEx Executive Group to lead the work of the Joint Committee and to include theme leads from the Delivery Plan. The membership of this Group is set out in Appendix B.
- Use of existing Devon and Somerset Chief Executives' and Leaders' meetings to support the work of the Committee;
- 1 x joint meeting per annum of the Devon and Somerset Chief Executives.
- Better alignment of the Joint Committee's support arrangements with the LEP.
- A Policy and Technical Officer Group of senior policy officers to focus on: delivery of the Delivery Plan; monitoring progress/measuring performance; and drafting responses to national policy changes.
- A dedicated and resourced programme management function, (funded from the Joint Committee's budget) to manage Joint Committee business on behalf of the CEx Executive Group and in addition to the Administering Authority role. This arrangement was initially agreed for 6 months (April to Oct 2019) pending a review of the work load.

## 3.4 Joint Committee Budget Position

The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme.

The Joint Committee budget as at the end of March 2019 was as follows:

Constituent Authorities	Contributions – 18/19 £	Expenditure – 18/19 £
County Council x2	10,500	40,000 – Administering Authority costs (including staffing, venue hire, publicity costs) 16,346 – Brexit admin support costs 9750 – Housing audit 5000 – Housing conference 8759 - Transport consultancy
Unitaries x 2	4,000	
Districts / National Park Authorities x 15	1,400	
Underspend carried forward from Devolution Budget	66838	

# Agenda Item 9

		660 - Portfolio-holder event costs
<b>Total</b>	116,838	80513 36,325 (carry forward to 2019/20)

The Joint Committee budget covers the costs of running the Committee and the work programme. Contribution levels for each council tier are based on population levels. The Committee agreed earlier this year that a larger annual budget was likely to be required to fund work programme priorities in future years and approved 'in principle' to seek the agreement of the Constituent Authorities to double the 2018/19 core contributions as a one-year arrangement so giving maximum contributions in 2019/20 of:

County Council - £21,000  
 Unitary Council - £8,000  
 District Council / National Park Authorities – £2,800

For 2019/20 the Constituent Authorities have been invoiced for 50% of the amounts stated above. A second invoice was to be sent to each Constituent Authority for the other 50% in the autumn if the budget proved to be insufficient to fund the work required in 2019/20 and only if fully costed work programme proposals were available to justify the request.

The overall budget position for 2019/20 is detailed in the table in 4.5.3. There are no plans to invoice the Constituent Authorities for the second budget contribution for 2019/20 because of the need to take stock of the direction of the Committee's work programme following the recent elections and delays in progressing discussions with Government as a result of Brexit. As it stands the contributions collected from the Constituent Authorities (£48,600) together with the underspend carried forward from 2018/19 (£36,326) totalling £84,926 is sufficient to cover the planned and anticipated costs for 2019/20 of £60k. A key unknown aspect of the work programme is the preparations for Brexit and the budget impacts of any work which the Committee may wish to commission. This will be kept under review in the coming months as the position becomes clearer.

<b>Income</b>	<b>£ (,000)</b>
Constituent Authority contributions	48,600 - committed 48,600 – in principle
2018/19 underspend	36,326
<b>Total</b>	133.5 (of which 48.6k is in principle)

<b>Expenditure</b>	<b>£ ,000</b>
Administering Authority Programme Office	20 – committed (for the year) 10 – committed (April to Sept) (Oct to March 2020 tbc but estimated at £10k)
Brexit Resilience and Opportunities Group – officer support costs	10 – in principle (April to Sept) (Oct onwards tbc but estimated at up to £10k)
Housing Task Force	Tbc
Growth Corridor Work	Tbc

# Agenda Item 9

MP/ Ministerial engagement	Tbc
Brexit work programme	Tbc
Coastal Communities proposal	Tbc
<u>Total</u>	£60k (including anticipated commitments detailed above)

Further discussions are planned as to how to establish a financially stable Joint Committee budget for future years as a pre-requisite to preparing a budget proposal for 2020/21 for submission to the Constituent Authorities. The Council might wish to consider making a provision of £21,000 to fund in lieu of these discussions.

#### **4. Consultations/Representations/Technical Data**

Technical data is set out in Appendix A and B of this report

#### **5. Financial Considerations**

The financial considerations are set out in section 3.3 of this report. The Council makes a financial contribution as well as 'in kind' officer time to support the work of the Joint Committee.

#### **6. Environmental Impact Considerations (Including Climate Change)**

This proposal does not have an impact on carbon emissions. The Committee could undertake joint work to respond to the Climate Change Emergency. The impact of this will be evaluated in any future proposal.

#### **7. Equality Considerations**

There are no equality considerations to these recommendations.

#### **8. Legal Considerations**

The review of the role and functions of the Joint Committee have taken account of the legal framework within which the Joint Committee operates.

#### **9. Risk Management Considerations**

The key risk to the Constituent Authorities is a Committee without a clear role and functions and with unsustainable support arrangements which threaten the security and operation of the model. If the Committee cannot be sustained into the future then the momentum already achieved with Government will be at risk and the opportunity to realise additional funds, powers and responsibilities from Government for the benefit of the HotSW will be severely compromised. This in turn would compromise the ability to deliver the Productivity Strategy.

#### **10. Public Health Impact**



There are no public health impacts associated with this report.

## **11. Options/Alternatives**

The following options have been considered:

Option 1 – Not to make changes to the governance arrangements. This was rejected as it is essential that constituent members can regularly review and agree any changes to the Joint Committee to align with existing policy positions.

Option 2 – Recommended option

## **12. Reason for Recommendation/Conclusion**

In recent months the Joint Committee has reviewed and updated its governance arrangements in the light of experience since its establishment in early 2018 and in response to changing Government policy and local circumstances. Some changes are required to the Committee's Arrangements document as a result and these need to be formally agreed by the Constituent Authorities. It is essential that the Joint Committee remains: fit for purpose, represents a sustainable way of working into the future; and delivers value for the resources committed to it by the Constituent Authorities.

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## APPENDIX A – EXTRACT FROM THE JOINT COMMITTEE’S ARRANGEMENTS DOCUMENT

### 2. Joint Committee Functions:

2.1 The only delegated functions of the Joint Committee relate to:

- (a) the approval of the HotSW Productivity Strategy; and
- (b) ***the development and endorsement of the HotSW Local Industrial Strategy (LIS) (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government.***

All other matters referred to in 2.3 below are ‘referred’ matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities but shall only be agreed if approved by all of the Constituent Authorities.

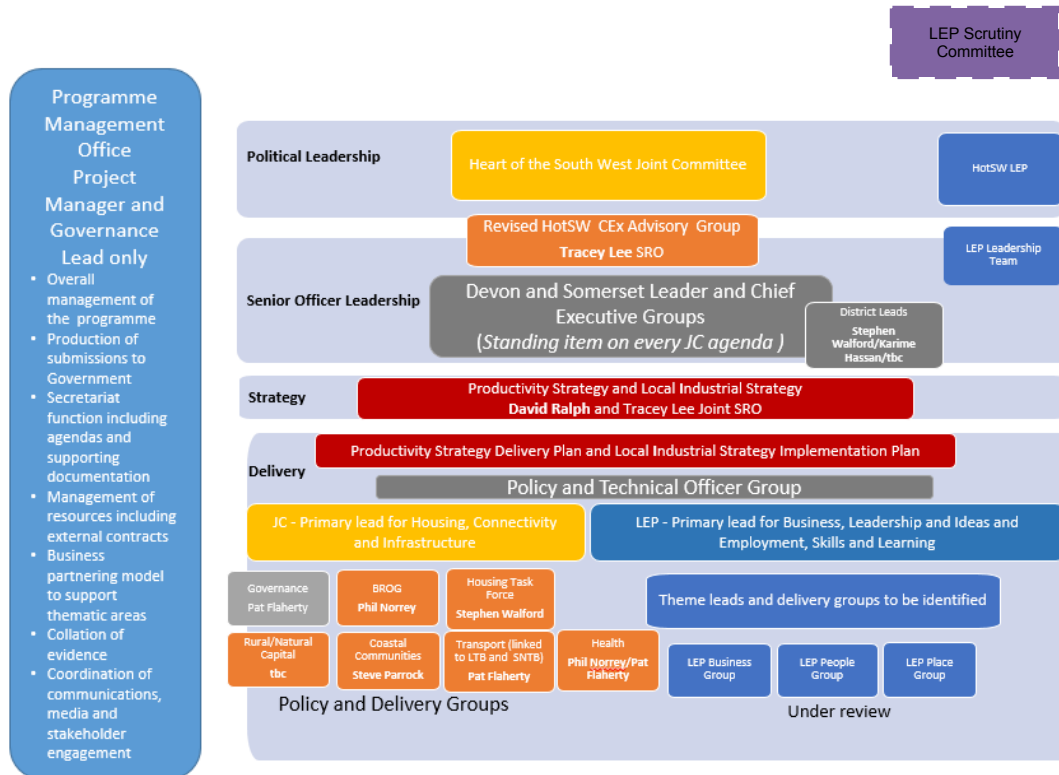
2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Plan in collaboration with the LEP.
- (b) ***Maintain oversight of the HotSW Delivery Plan = working alongside and in collaboration with the LEP using each other’s strengths and roles to ensure delivery of the HotSW Productivity Strategy.***
- (c) ***Continue discussions /negotiations with the Government and Government agencies to achieve direct intervention, support, funding and powers to the benefit of the HotSW and assist with the delivery of the Productivity Plan and the LIS, working with the LEP.***
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government’s strategic infrastructure commitments, eg, strategic road and rail transport improvements.
- (e) ***Design and deliver the strategic HotSW response to ‘Government’ offers and respond to Government calls for evidence if appropriate.***
- (f) ***Design and deliver public sector reform where this will deliver improved productivity to the HotSW, eg health, education.***
- (g) ***Deliver at scale (beyond what individual councils can achieve).***
- (h) Work with the LEP to identify and deliver adjustments to the LEP’s democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP’s assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP’s Administering Authority.
- (i) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

## APPENDIX B

### HotSW Joint Committee Support Structure



### Chief Executives' Executive Group Membership and Roles

Theme/Role	Lead	Body
HotSW Leaders SRO	Tracey Lee	JC (PCC)
Productivity Strategy SRO	Tracey Lee/David Ralph	JC (PCC)/LEP
LIS SRO	David Ralph/Tracey Lee	LEP/JC (PCC)
BROG	Phil Norrey	JC (DCC)
Governance lead	Pat Flaherty	JC (SCC)
Housing lead	Stephen Walford	JC (MDDC)
Transport lead	Pat Flaherty	JC (SCC)
Coastal Communities lead	Steve Parrock	JC (TC)
District Council Leads X 3	Stephen Walford (Devon - Rural) Karime Hassan (Devon - City/Urban) Stuart Brown (Somerset)	JC (MDDC/ECC/MDC)
Rural/Natural Capital lead	Kevin Bishop	JC (DNP)
Health theme	Via Phil Norrey and Pat Flaherty in the short term	JC (DCC/SCC)

# Agenda Item 9

Phil Norrey  
Chief Executive

**Electoral Divisions:**

**All**

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Leader: Councillor John Hart

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sue Rose

Room No. G60, County Hall

Tel No: 01392 383000

Background Paper	Date	File Reference
	<i>10 December 2015</i>	<i>Min157</i>
	<i>7 December 2017</i>	<i>Min55</i>

PTE/19/35

Cabinet  
9 October 2019

County Council  
5 December 2019

## Devon County Council's Updated Corporate Energy and Carbon Strategy

Report of the Head of Planning, Transportation and Environment

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

**Recommendations: That County Council be recommended to:**

- (a) **Declare that the Authority will be carbon neutral by 2030 through:**
- Corporate Carbon Footprint**
    - Reducing its 2012/13 corporate carbon footprint by 70% by 2030
    - Retaining its existing target to source 30% of its energy requirement from renewable sources by 2030
    - Incrementally increasing the percentage of the remaining carbon footprint that is offset, from 5% in the current year to 100% by 2030
  - Supply Chain Carbon Footprint**
    - Engaging with contract providers to reduce carbon emissions from their operations and offset the remainder by 2030. As a first step, engage the ten highest-value contract providers.
- (b) **Delegate Authority to the Cabinet Member for Community, Public Health, Transportation and Environmental Services and the Environmental Performance Board to incorporate these principles into a revised Energy and Carbon Strategy.**

### 1. Summary

This report recommends an approach for setting a revised energy and carbon strategy for Devon County Council's (DCC) operations in response to the climate emergency.

### 2. Background/Introduction

DCC's corporate carbon footprint has fallen by almost 40% since 2012/13. The current target is to reduce the 2012/13 emissions by 50% by 2030, which is likely to occur by 2021 and so a more ambitious target is needed, with consideration of when and how to achieve carbon neutrality.

Additionally, having signed the Devon Climate Declaration, the Authority explicitly needs to increase its efforts to reduce the emissions from its supply of procured goods and its commissioned services – these are not currently included in the corporate carbon footprint, but their carbon footprint is estimated each year and published separately.

### 3. Proposal

The Authority should elect to be carbon neutral by 2030 by implementing the following activity within its corporate carbon footprint and supply chain carbon footprints:

# Agenda Item 10

## 3.1 Corporate Carbon Footprint

A 70% reduction in the corporate carbon footprint on 2012/13 levels by 2030 is a challenging target that will require the set of projects in Appendix 1 to be implemented. This includes measures to meet the existing target for 30% of DCC's energy needs to be met by renewable sources by 2030.

To achieve carbon neutrality, the remaining emissions can be offset, initially using existing government-certified schemes that plant trees. Given time there is an opportunity to pool the carbon-neutrality aspirations of organisations involved in the Devon Climate Emergency Response Group to create a market for local offsetting projects in Devon, which doesn't currently exist. Such local investment would generate environmental and economic benefits, in addition to carbon sequestration, and could include a broader range of offset projects, such as peatland or culm grassland restoration.

It is recommended that the authority begins to contribute to building this market immediately by incrementally increasing the percentage of the remaining carbon footprint that is offset, from 5% to 100%, each year between 2019 and 2030 as shown in Table 1.

**Table 1 - Ramped approach to offsetting the residual corporate carbon footprint**

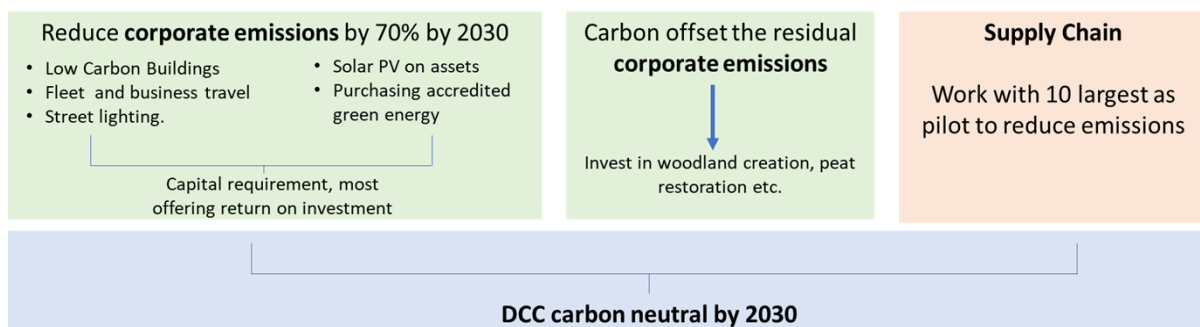
Year	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
% offset	5%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%

## 3.2 Supply Chain Carbon Footprint

The supply chain carbon footprint is estimated to be thirteen times larger than the corporate carbon footprint and these emissions come from a large number of providers of goods and services e.g. civils contractors and care-service providers. In order to declare that the Authority is carbon neutral by 2030, these supply chain emissions will also need to be neutralised alongside the activity to neutralise the corporate carbon footprint. Addressing supply chain emissions is one of the specific expectations of the Devon Climate Declaration, to which this Authority is a signatory.

It is therefore recommended that the Authority commits to making the supply chain carbon neutral by 2030. This will involve contractors implementing measures to reduce direct emissions and using carbon offsets. As a first step, DCC should engage the ten largest contracts by value to understand how the contract providers can assist with the decarbonisation agenda. Learning from this pilot, an approach can be refined and rolled out to engage further contractors in due course.

## 3.3 Proposal Summary



Meeting a 70% corporate carbon reduction target by 2030 will be challenging yet achievable. Committing to offset the residual corporate emissions and to decarbonise the supply chain by the same date demonstrates further leadership from this Authority.

## **4. Financial Considerations**

Reducing the corporate carbon footprint by 70% by 2030 will avoid £3.4m in energy costs in comparison to the existing 50% target. The costs of meeting the target are currently unknown due to uncertainties about the speed at which technologies will be brought to market and their cost competitiveness; but there will be costs, some of which will offer a return on investment and others won't.

The cost of the ramped approach to carbon offsetting the residual corporate carbon footprint will cost about £20k in 2019/20 and will increase to £200k in 2029/30 per annum.

Decarbonising the supply chain by 2030 will come at a cost. Some measures will save money – more efficient technology and embracing digital service provision for example – but carbon offsetting, which will be necessary to achieve carbon neutrality, could cost about £3m in the year 2030, which is ca. 0.5% of DCC's supply chain expenditure.

New financial resources will be needed to cover these costs.

## **5. Environmental Impact Considerations (Including Climate Change)**

The environmental impacts of the proposals are positive. The proposals will reduce carbon emissions and their associated influence on global warming. Additionally, the opportunity for carbon offsetting in Devon can provide air quality, flood risk, biodiversity and landscape enhancements that in turn can improve community resilience.

## **6. Equality Considerations**

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing this proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/>, which Members will need to consider for the purposes of this item.

Climate change will affect everybody in the county, and it will affect people less able to adapt the most. These include less affluent people, those living with physical and mental health

# Agenda Item 10

conditions, those living in coastal communities or other areas prone to flooding and young people who will live with the effects becoming worse over their lifetimes. Implementing the recommendation will help grow efforts to reduce international carbon emissions and minimise these impacts on everyone.

Furthermore, implementing the recommendation will require fundamental changes to the way the Authority's services are provided, which will need to consider the energy used in buildings, transport and the supply of goods and services. This has the potential to impact negatively and positively on service users depending on the specifics of the proposals. Tactical-level changes to services over the next decade will need their own impact assessment to consider their effect on equality characteristics.

## **7. Legal Considerations**

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 requires the UK to become carbon neutral by 2050. DCC has a moral obligation to demonstrate local leadership towards achieving or exceeding this requirement.

## **8. Risk Management Considerations**

The potential risks to Devon's communities from climate change beyond 1.5 degrees are profound – e.g. extreme sea level rise, health effects (heat stress, anxiety, vector-borne diseases etc.), increased flood risk, economic shocks and a breakdown of environmental services that provide food, fuel and pharmaceuticals to name just a few.

The effort to minimise these impacts must occur at all scales from the individual to the global. Whilst DCC is unlikely to influence emissions elsewhere in the world, it is vital that the Authority demonstrates local leadership.

The corporate risk register has been updated as appropriate.

## **9. Options/Alternatives**

DCC has three main options available.

- a. Continue with the current target to reduce the corporate carbon footprint by 50% by 2030 from 2012/13 levels with no specific mandate to engage its supply chain.
- b. Implement the recommendation in this report.
- c. Adopt even more ambitious targets than those recommended by this report, regardless of the current uncertainty relating to their achievability or affordability.

## **10. Reason for Recommendation**

The recommendation demonstrates the necessary local leadership to accelerate the decarbonisation of Devon, the UK and, indeed, the globe that is required to avoid the worst effects of climate change on our communities. It also provides an opportunity for wider environmental enhancement and community resilience through the development of carbon offset schemes in Devon. The Environmental Performance Board will monitor achievement against these ambitious and challenging targets, plus any future opportunities to exceed these, and refer these back to Cabinet for review as necessary.

Dave Black  
Head of Planning, Transportation and Environment



## **Electoral Divisions: All**

Cabinet Member for Community, Public Health, Transportation and Environmental Services:  
Councillor Roger Croad

*Chief Officer for Communities, Public Health, Environment and Prosperity, Dr Virginia Pearson*

### Local Government Act 1972: List of Background Papers

Contact for enquiries: Doug Eltham

Room No. AB3 Lucombe House, County Hall

Tel No: 01392 383000

Background Paper	Date	File Reference
Impact Assessment for Devon County Council's Revised Corporate Energy and Carbon Strategy	September 2019	<a href="https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/">https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/</a>

da180919cab DCC's Revised Energy and Carbon Strategy  
hk 05 260919

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## Appendix 1 To PTE/19/35

The table below shows the set of projects required to be implemented to reduce the Authority's corporate carbon footprint by 70% from 2012/13 levels by 2030.

Sector	Project	Implementation
Buildings	Deep-retrofit of Lucombe House. Technically possible now.	ZebCat 2 Project is at full-application stage. DCC has committed match-funding.
Transport  Note: Technology not yet available for all vehicle types but is likely to be by 2030.	Driver aids installed in the whole of the DCC-owned fleet.	Additional investment of £250k required. Payback is 2.5 years.
	Driver aids installed in all school transport contract vehicles.	Additional investment of £500k required. Payback about 2.5 years.
	50% of DCC's owned-fleet converted to electric by 2030 (cars and small vans)	Additional budget will be required to pay for any cost differential against diesel, which is difficult to estimate as the price of the technology is changing rapidly. There is likely to be a business case, but this is currently uncertain.
	100% of school transport contract vehicles with fewer than 8 seats converted to electric by 2030	
Renewable Energy  (this package will meet the existing target for 30% of DCC's energy needs to be met by renewable sources by 2030)	0.2MW of solar PV installed on DCC assets.	DELETTI project is contracted and funded. Planning permission required.
	2MW of solar PV installed on DCC assets	Additional investment of £1.8m required, offering an IRR of 5 – 8%. Suitable site and planning permission required.
	Facilitation of a minimum of 23MW new solar PV capacity in Devon enabled through a corporate power purchase agreement between DCC and generators. This is 80% of DCC's projected energy consumption in 2030.	This can potentially be achieved for a similar price to that which DCC pays for 'brown' energy but a modest cost may be required.

## APPEALS COMMITTEE

16 October 2019

Present:-

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

\* 151

**Minutes**

**RESOLVED** that the minutes of the meeting held on 9 September 2019 be signed as a correct record.

\* 152

**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.

\* 153

**Deferred Appeals**

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

The Committee noted the following appeals had been determined under urgency procedures following Members' route walks arising from the last meeting and received an update in relation to ST141:-

ST141 Venton - Ivybridge CC - Appeal Refused (Route available)

ST142 Holbeton – Ivybridge CC - Appeal Refused (Route available).

\* 154

**School Transport Appeals**

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

(Councillor Twiss withdrew from the meeting for case ST144 by virtue of knowing the appellant).

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:-

ST143 St Giles in the Wood – Gt Torrington School Appellant and Local Member

ST145 Barnstaple – Atlantic Academy Appellant and Local Member

ST146 Ashburton – Buckfast St Mary's Appellant and Local Member

ST144 Monkton – OSM The King's School Appellant and Local Member

# Agenda Item 12a

APPEALS COMMITTEE  
16/10/19

**RESOLVED:-**

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

ST145 Barnstaple – Atlantic Academy

ST146 Ashburton – Buckfast St Mary's

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

ST144 Monkton – OSM The King's School

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

ST143 St Giles in the Wood – Gt Torrington School

\* 155

**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.

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

The Meeting started at 8.45 am and finished at 12.00 pm

## DEVELOPMENT MANAGEMENT COMMITTEE

16 October 2019

Present:-

County Councillors

Councillors J Brook (Chair), Y Atkinson, S Aves, A Connett, G Gribble, I Hall, L Hellyer, R Hosking, P Sanders, C Slade and J Yabsley

Member attending in accordance with Standing Order 25:-

Councillor A Davis

Apologies:-

Councillors R Bloxham, J Hook, J Hodgson and T Inch

\* 85

**Minutes**

**RESOLVED** that the Minutes of the Meeting held on 18 September 2019 be signed as a correct record.

\* 86

**Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

\* 87

**County Council Development: North Devon District: Improvements to an existing roundabout and provision of a new underpass at land at Bishop's Tawton Roundabout, Barnstaple**

(Councillor J Yabsley declared a personal interest in this item by virtue of his membership of the North Devon District Council)

(Councillor A Davis and Mr D Black (on behalf of the applicant, Devon County 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/19/39) on proposed improvement works at the existing Bishop's Tawton Roundabout where the A377 and B3138 meet the A361 Barnstaple Bypass, including provision of an underpass for pedestrians and cyclists.

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 J Brook, **SECONDED** by Councillor G Gribble and

**RESOLVED** that planning permission be granted subject to the conditions set out in Appendix I of this report and with an additional condition relating to the installation of a Closed Circuit

# Agenda Item 12b

DEVELOPMENT MANAGEMENT COMMITTEE  
16/10/19

Television (CCTV) system to monitor use in the underpass (with any subsequent changes to the conditions being agreed in consultation with the Chair and local member).

\* 88 **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the report of the Chief Planner (PTE/19/40) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 2.53

## STANDARDS COMMITTEE

4 November 2019

### Present:-

Councillors J Mathews (Chair), M Asvachin, R Bloxham, P Colthorpe, A Connett, C Slade and P Twiss.

Co-opted Members Sir Simon Day, R Hodgins, A Mayes and R Saltmarsh

### Apologies:-

I Hipkin

\* 68

### Minutes

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

**RESOLVED** that the minutes of the meeting held on 16 July 2019 be agreed as a correct record.

\* 69

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 70

### Customer Feedback Monitoring Report

The Committee considered the Report of the Customer Relations Manager which provided a quarterly update on the volumes and themes for all types of customer feedback (compliments, comments and complaints), letters from Members of Parliament and complaints being dealt with by the Local Government and Social Care Ombudsman about the Council. In addition, it provided information regarding the Council's performance in responding to and learning from the outcomes of complaints. It covered quarters 1 and 2 (April to June and July to September 2019).

Appendix 1 and table 1 contained a summary of feedback related activity within the reporting year to date.

The Committee was reminded of their comments made at the Committee meeting on 16 July 2019 that the Leadership Group be asked to re-emphasise the importance of dealing with complaints in a timely manner and furthermore noted that the meeting at which this issue was to be raised had been deferred to 25 November 2019.

Members noted that;

- the number of stage 1 complaints had continuously reduced through most of 2018-19 and had remained low in quarters 1 and 2 of 2019-20 (See appendix 1 – table 2);
- there had been a continual decrease in Stage 2 complaints received quarter on quarter in 2018-19, the number of Stage 2 complaints received in 2019-20 had remained low. It was hoped that the lower numbers remained as a direct result of improved Stage 1 responses and earlier intervention by managers (Appendix 2 – table 6);

# Agenda Item 12c

STANDARDS COMMITTEE  
4/11/19

- there had generally been a decline in numbers of LGSCO complaints received in 2018-19, and this had continued into the first half of 2019-20 (Appendix 2 – table 9);
- 18% of LGSCO complaints were upheld over 2017-18, which compared to 30% across 2018-19 and 53% across quarters 1 and 2 of 2019-20, strongly suggesting an upward trend;
- it had not been possible to log all the quarter 2 compliments received to include them within the Report, but table 13 (Appendix 2) showed those received in quarter 1 and the numbers recorded were higher than in each of the quarters in 2018-19, which was encouraging; and
- the number of MP enquiries reduced quarter on quarter throughout 2018-19 and remained low in 2019-20 (Appendix 2 – table 14).

Members commented and asked questions on the number of complaints upheld in Children's Services, attitudes of staff and perceived rudeness as a recurring theme, that 57% of stage 2 complaints closed were made in time (which was just over half), the recording of phone calls and how they were used for training purposes and the representation of data (percentages verses numbers).

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

## **RESOLVED**

(a) that the contents of the Report be noted;

(b) that the comments of the Committee, as outlined above, be referred to the Leadership Group for their consideration; and

(c) that the Manager of the Customer Service Centre be invited to a future meeting of the Committee to discuss call recording and associated performance management and training.

\* 71

## **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CSO/19/23](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework. Meetings observed included Public Rights of Way, East Devon Highways & Traffic Orders, Investment and Pension Fund, Children's Scrutiny, Development Management, Procedures and the Health and Wellbeing Board.

Members noted that audio visual issues had been a recurring theme, but the recent upgrade to the system should solve many of these sound problems.

Members further commented that guidance on how the microphones picked up sound would be beneficial, for example optimum distances to obtain the best performance.

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



\* 72 **Annual Review of the Code of Conduct (Minute \*53 - 4th April 2019)**

The Committee noted that at its meeting on 4<sup>th</sup> April 2019, it had considered the Executive Summary of 'Local Government Ethical Standards - A Review by the Committee in Public Life'. The Council's Standards Committee had previously submitted a response to the Consultation.

As part of that debate, the Committee had RESOLVED that, in line with the best practice recommendation 3, the Standards Committee reviews its Code of Conduct on an annual basis.

The Committee therefore had the Code of Conduct before it for that review. Members also noted that the Code had been amended to reflect that best practice guidance to include the matter of Members complying with any formal Standards process / investigation that might occur.

Members commented that a unified code for all Authorities would be beneficial for those in twin or triple hatted positions.

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

**RESOLVED** that the content of the current Code of Conduct be noted and that the Committee await the revised guidance / code from the Local Government Association, expected in the Summer, 2020.

\* 73 **Ethical Governance Survey 2019 - Outcomes and Results**

The Committee considered the Report of the County Solicitor (CSO/19/24) which outlined the Ethical Governance Survey for 2019 and the results generated by the survey. Between 27 August 2019 and 20th September 2019, responses were collected via an online multiple-choice survey from Members, Leadership Group, Heads of Service and their direct reports, known as LG80.

Members noted that the Council was required to demonstrate how it supported ethical governance in its policy and procedures, culture and values to ensure high standards of behaviour for Members and Officers.

In both 2009 and 2013, the Council tested its approach to ethical governance, the code of conduct and compliance with ethical standards and the Standards Committee recommended in its last annual report that a further ethical governance audit and self-assessment survey be undertaken during the first two years of the current administration to assess how the Council met the ethical agenda.

The overall response rate was pretty positive in the region of 60-65% which was an improvement on the rate of 59.5% in 2014. In total, 47% or 28 out of the 60 County Councillors responded. 63 Officers responded to the survey (which would be in the region of 75%).

The results of the self-assessment showed the majority of responses to each question was positive, particularly in relation to engagement with democracy and the local community and that both Councillors and Officers felt that the Council considered ethical conduct and high standards as an important component of its vision for the future.

One point of note related to training on the code of conduct where some 34% of respondents said they had not received such training. However further analysis showed that this was in fact only 1 Councillor who said they had not received any training. Three further Members said they had received training 'to some extent', so it was felt there might be more work to do in this regard.

# Agenda Item 12c

STANDARDS COMMITTEE  
4/11/19

The Committee also noted the qualitative responses under question 9 which again appeared to give reassurance in terms of good standards of Governance.

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

## **RESOLVED**

(a) that the responses to the Ethical Governance Survey and its implications for the improvement of the Council's ethical or corporate governance frameworks be noted;

(b) that the issues and suggestions referred to in paragraphs 5 to 14 be explored at future refresher briefings;

(c) that the Monitoring Officer be asked to continue to provide regular refresher briefings on the Council's Ethical Governance Framework as appropriate;

(d) that a further self-assessment survey be undertaken by Members, the Leadership Group, Heads of Service and their direct Reports in four years' time (mid-point between Election cycles) in 2023, ensuring the responses from Officers and Members be separated; and

(e) that future Standards Annual Reports be published on the Council's 'Inside Devon'.

\* 74

### **Open Letter - From Lord (Jonathan) Evans, Chair of the Committee on Standards in Public Life (to all public office holders)**

The Committee noted that Jonathan Evans, Chair of the Committee on Standards in Public Life had published an open letter to all public office holders on the importance of upholding public standards. The contents of which were outlined below.

*Standards in public life have rarely been more in the spotlight than they are today. Both as a Committee and as individual members we are frequently asked what can be done to maintain high standards and implement the Nolan Principles in the current political situation, which is causing real concern to many people who care about how our public life is conducted.*

*At one level, the key institutions of our democracy are doing their job providing important constitutional checks and balances. The long running and fierce dispute over Brexit is being played out largely in Parliament, the courts and the media, including social media. Such openness is itself a key principle in our public life.*

*But behaviour matters as much as formal structures. Leadership of standards needs to come from the top: from Government and from Parliament. In the current political situation, it is the view of our Committee that it is even more important that high standards are not only consistently observed but also demonstrably valued.*

*It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.*

*These long-established principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership are a personal responsibility and set the tone for leadership across the whole of public service. They are what the public expect of us.*

Lord (Jonathan) Evans of Weardale Chair, Committee on Standards in Public Life.

\* 75 **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, 1 complaint concerning an alleged breach of the Members Code of Conduct had been received relating to a Councillor failing to respond to constituent queries.

Following an initial assessment of the complaint and consultation with the Independent Person appointed by the Council it had been agreed that no further action should be taken on the complaint on the basis that there would be no public interest in progressing the complaint further.

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

The Meeting started at 2.15 pm and finished at 2.45 pm



## PROCEDURES COMMITTEE

7 November 2019

Present:-

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

Apologies:-

Councillors A Connett and C Wright

\* 74

**Minutes**

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

**RESOLVED** that the minutes of the meeting held on 17<sup>th</sup> September 2019 be signed as a correct record.

\* 75

**Items requiring urgent attention**

There was no item raised as a matter of urgency.

76

**Amendments to Terms of Reference for the Local Enterprise Partnership Joint Scrutiny Committee**

The Committee noted that at its meeting on 17<sup>th</sup> October 2019, the Local Enterprise Partnership Joint Scrutiny Committee considered an evaluation report on the first twelve months of the committee's operation.

As part of that debate, the Committee RESOLVED

*(a) that the progress of the Heart of the South West (HotSW) Local Enterprise Partnership (LEP) Joint Scrutiny Committee be noted and current arrangements be continued;*

*(b) that the terms of reference of the Committee be amended as outlined in Part 4 of the Report, to include proactive Scrutiny of the Local Industrial Strategy;*

*(c) that future meetings be webcast to continue to increase transparency of the Committee;*

*(d) that public participation be adopted at future Committee meetings in line with Devon County Council's public participation scheme;*

*(e) that the Committee write to the Ministry of Housing, Communities and Local Government (MHCLG) to express serious concerns over the confidential nature of the Local Industrial Strategy, preventing the Committee from undertaking public scrutiny;*

*(f) that work continued to improve the effectiveness of the Joint LEP Scrutiny Committee; and,*

*(g) that any changes proposed would be subject to the approval of the Constituent Authorities and may require wider consideration across the Heart of the South West Councils.*

# Agenda Item 12d

PROCEDURES COMMITTEE  
7/11/19

The Committee noted that the Constituent Authorities had all been asked to take this through their relevant decision-making processes.

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

**RESOLVED** that the Procedures Committee endorse the proposed changes to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee, as outlined in the revised Terms of Reference (attached), notwithstanding that agreement will be required across Constituent Authorities.

\* 77

## **Public Questions at Council and Cabinet Meetings**

The Leader had asked that the Committee and its Members reviewed the current process for public questions. The current public participation rules were attached to the agenda. At meetings of the Council and Cabinet, there had been large numbers of questions from Members of the public. Whilst public participation was always welcome, there was a concern that a lot of the questions were on the same issues, with many being duplicated.

Members commented upon and debated a number of suggestions as outlined below;

- the officer time involved in formulating responses to questions;
- public participation rules in other authorities such as appointing a spokesperson when there were groups interested in the same issues;
- limits on the numbers of questions on the same issue;
- the need to ensure all were entitled to have their say, should the current rules be amended; and
- the role of the Chair in applying the public participation rules at Committee.

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

**RESOLVED** that a watching brief be kept on this issue and a Report be brought to a future meeting of the Committee if it was felt that a review of the Public participation Scheme was required.

78

## **Appeals (Transport) Committee (Local Government and Social Care Ombudsman Implications)**

The Committee was asked to note a recent Local Government and Social Care Ombudsman case <https://www.lgo.org.uk/decisions/education/school-transport/18-015-770> relating to a school transport appeal at the City Of Bradford Metropolitan District Council.

In summary the Local Government and Social Care Ombudsman had determined that the Council's school transport appeals panel failed to properly consider an appeal for travel assistance. The outcome was that within one month of the decision the Council should arrange a fresh appeal panel with new panel members to consider the appeal again.

Whilst the Council had suggested they hold a further appeal, this was the first time (that Devon was aware of) that the Local Government and Social Care Ombudsman had stipulated the second appeal must be with new members, which accorded with the principles of natural justice.

This posed a challenge for Devon, as the current Committee was 5 Members.

Whilst it would be a rare occurrence for the Ombudsman to direct the Council to rehear such an appeal, the Procedures Committee was asked to consider this issue and suggest / recommend any changes to the current configuration of the Appeals (Transport) Committee.

The Committee also notes that the Statutory school transport guidance was brief in relation to appeals and did not refer to re-hearings and that Devon did not get the same volume of cases that Bradford did.

Potential options discussed were that substitutes be appointed to the Committee (potentially former Members who have been trained) or that the Clerk arranged for a number of Members to sit at a hearing from a pool of trained Members, similar in nature to how the Council's Personnel Panel was constituted.

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

**RESOLVED** that the Constitution of the Appeals (Transport) Committee be amended to include three substitute Members. These representatives should have previous experience of the Committee and associated training to ensure consistency of decision making and also to reflect the growing number of complex cases.

\* **79**      **Notice of Motions Working Group**

The first meeting of the working group was due to meet on the rising of the Procedures Committee.

The working group had originally convened due to the large number of motions being submitted, often on issues over which the Council had very little control or jurisdiction.

Members discussed the importance of meaningful motions and that officers could always support members in the drafting of motions.

**RESOLVED** that, in view of the current process working well at the last Council meeting, the working group do not make any recommendations at this time, but reconvene when and if required.

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

The Meeting started at 10.30 am and finished at 11.24 am





## PUBLIC RIGHTS OF WAY COMMITTEE

12 November 2019

Present:

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

Apologies:

Councillors M Shaw

\* **109**      **Minutes**

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

\* **110**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **111**      **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 19 September 2019, noting that the next meeting would be held on 23 January 2020.

There was discussion between Members and Officers concerning the use of electric bikes and battery powered mobility scooters on footpaths; and the Chair referred Members to the recently published Glover review looking at protected landscapes.

\* **112**      **Legal and Development: Review of the Definitive Map Statement of Priorities**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/85) outlining the current Definitive Map Statement of Priorities and recommending policy revision to take account of current workload and staff resources within the Definitive Map Team.

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

**RESOLVED** that

(a) the Definitive Map Review Policy Statement DM1A/3 be amended to:

*DM1A/4 Completion of the parish-by-parish Definitive Map Review will be sought before 1 January 2025; and*

(b) that Policies DM1B/2, DM1C/3 and DM1D remain unchanged.

\* **113**      **Parish Review: Definitive Map Review 2017-2019 - Parish of Pyworthy**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/86) which examined the Definitive Map Review in the Parish of Pyworthy.

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

# Agenda Item 12e

PUBLIC RIGHTS OF WAY COMMITTEE  
12/11/19

**RESOLVED** that completion of the Definitive Map Review in the Parish of Pyworthy be noted and that no modifications be made.

\* **114**      **Parish Review: Definitive Map Review 2019 - Parish of Broadhembury**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/87) which examined three proposals arising out of the Definitive Map Review in the Parish of Broadhembury in East Devon district.

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

**RESOLVED** that no Modification Orders be made in respect of Proposals 1, 2 and 3.

\* **115**      **Parish Review: Definitive Map Review 2017-2019 - Parish of Woodbury**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/88) which examined the one proposal arising from the Definitive Map Review in the Parish of Woodbury in East Devon district.

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

**RESOLVED** that no Modification Order be made to the Definitive Map and Statement in respect of Proposal 1.

\* **116**      **Parish Review: Definitive Map Review - Parish of Wembury (Part 2)**

(Miss C Hart, on behalf of an adjacent landowner, attended under the Public Participation Scheme and spoke in support of Proposal 1.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/89) which examined Proposal 1 arising out of the Definitive Map Review for the parish of Wembury in South Hams district.

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

**RESOLVED** that no Modification Order be made in respect of Proposal 1.

\* **117**      **Parish Review: Definitive Map Review 2018-2019 - Parish of Bampton (Part 2)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/90) which examined two connecting routes, referred to as Proposals 4 and 5, arising out of the Definitive Map Review in the Parish of Bampton in Mid Devon.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding Restricted Byways between points Y – X – W and points X – G – Z as shown on drawing number HIW/PROW/19/012a (Proposals 4 and 5).

\* **118**      **Parish Review: Definitive Map Review 2019 - Parish of Oakford**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/91) which examined one proposal arising out of the Definitive Map Review in the parish of Oakford in Mid Devon.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Statement by deleting the section describing the route of Footpath No. 6, Oakford between points A – B as shown on drawing number HIW/PROW/19/40 (Proposal 1).

\* **119**      **Parish Review: Definitive Map Review - Parish of Parracombe (Part 2)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/92) which further examined the extension of Proposal 2 dealt with in the previous Parish report of 15 November 2018.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by upgrading Parracombe Bridleway No. 5 to a restricted byway between points A – B – C – D – E – F – G, as shown on drawing number HIW/PROW/18/28a in respect of Proposal 2a.

\* **120**      **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/93) on decisions received from the Secretary of State.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement in respect of item (ii) in the Report, by adding a public footpath between points C – D as shown on drawing number HCW/PROW/17/024, as directed by the Secretary of State.

\* **121**      **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/19/94) on Modification Orders confirmed as unopposed under delegated powers, namely:

- (a) Footpath No. 33, Broadclyst Definitive Map Modification Order 2018.
- (b) Restricted Byway No. 20, Kentisbury Definitive Map Modification Order 2019.
- (c) Bridleway No. 9, Parracombe Definitive Map Modification Order 2019.
- (d) Restricted Byway No. 30, Parracombe Definitive Map Modification Order 2019.

\* **122**      **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/95) on Public Path Orders made and confirmed under delegated powers, namely:

Diversion Orders

- (a) Footpath No. 29, Wembury Public Path Diversion and Definitive Map and Statement Modification Order 2019.
- (b) Footpath No. 5, Sowton Public Path Diversion and Definitive Map and Statement Modification Order 2018.

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

The Meeting started at 2.25 pm and finished at 3.48 pm



## AUDIT COMMITTEE

14 November 2019

Present:-

Councillors J Clatworthy (Chair), J Brazil, R Peart, A Saywell and H Ackland

Apologies:-

Councillors I Hall and J Berry

\* 70

**Minutes**

**RESOLVED** that the Minutes of the meeting held on 29 July be signed as a correct record.

\* 71

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 72

**Annual Audit Letter 2018/19**

The Committee received the Annual Audit Letter from external auditors, Grant Thornton (CT/19/115). In July 2019 Grant Thornton issued unqualified opinions on the financial statements of the Authority and Devon Pension Fund.

The external auditors were also satisfied that in all significant respects the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2019.

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

**RESOLVED** that the report and findings be noted.

\* 73

**External Audit Update**

The Committee received a Report from Grant Thornton (CT/19/116) setting out the progress made in delivering their responsibilities as external auditors for the Council and giving a summary of relevant emerging national issues and developments.

The Committee also received a presentation from Grant Thornton on the Government Redmond Review on Local Government Auditing. As a part of the call for evidence of this Review, Grant Thornton will be giving evidence as to the changing nature of Local Government Auditing, particularly regarding longer more complex accounts and lower fees.

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

**RESOLVED**

(a) that the report and findings be noted.

(b) that the presentation on the Redmond Review be noted.

# Agenda Item 12f

AUDIT COMMITTEE  
14/11/19

\* **74**      **Internal Audit Half Year Report 2019/20**

The Committee considered the Report of the County Treasurer (CT/19/104) providing a six-month audit opinion of the Council's Internal Audit Service and progress to date against the internal audit plans for 2019/20.

The opinion was that an effective framework of control was in place providing reasonable assurance regarding the effective, efficient and economic achievements of its objectives.

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

**RESOLVED**

- (a) that members note the internal audit opinion that the Council's systems contain a satisfactory level of internal control.
- (b) that members note the satisfactory performance and achievements of Devon Audit Partnership during the first six months of 2019/20.

\* **75**      **2019/20 Risk Management Annual Report**

The Committee received a Report of the County Treasurer (CT/19/104) setting out the background to Risk Management within the County Council and the important role that the Audit Committee plays in the process. The Committee was also shown a new more accessible format of risk register.

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

**RESOLVED**

- (a) that members note the current risk position for all risks.
- (b) that the Committee notes the ongoing updates to the risk register.

\* **76**      **Audit Committee Annual Plan 2019/20**

The Committee noted the current Work Programme and

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

**RESOLVED** that the current outline Work Programme be noted subject to the inclusion of a Doing What Matters Masterclass for future consideration.

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

The Meeting started at 2.15 pm and finished at 3.45 pm

## INVESTMENT AND PENSION FUND COMMITTEE

15 November 2019

Present:-

Devon County Council

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

Unitary and District Councils

Councillors J Pearce, L Parker-Delaz-Ajete and J O'Dwyer

Other Employers

D Healy

Unison and Retired Members: Non Voting Observers

R Franceschini, J Rimron and S Teague

Apologies:-

Councillor A Connett

Attending in Accordance with Standing Order 25

Councillor C Slade

\* 141

**Minutes**

**RESOLVED** that the Minutes of the Meeting held on 13 September 2019 be signed as a correct record.

\* 142

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 143

**Pension Board**

The Committee noted the Minutes of the Devon Pension Board meeting held on 21 October 2019.

The County Treasurer confirmed that matters raised by the Board relating to drafting changes (Minute \*137) and reference to Climate Change in the Risk Register (Minute \*139) would be actioned by Officers.

\* 144

**Brunel Oversight Board**

The Committee noted the Minutes of the Meeting of the Board held on 25 July 2019.

\* 145

**Actuarial Valuation 2019**

The Committee considered the Report of the County Treasurer (CT/19/107) on the actuarial valuation of the Devon Pension Fund conducted by the independent Actuary, Barnett Waddingham. The purpose of the valuation was to establish the Fund's liabilities in relation to its assets and determine the current funding level and set contribution rates for the Fund's employers for the next three years.

# Agenda Item 12g

INVESTMENT AND PENSION FUND COMMITTEE  
15/11/19

Following meetings with Officers the Actuary had now provided the Fund level results from the Valuation and this was summarised in the Report. The Report outlined factors that had been taken in account, overall results and effects on individual employers and conclusions.

The Officers would now work with the Actuary to revise the Funding Strategy Statement based on the Valuation and following consultation with Employers and the Pension Board the proposed Statement would be presented to this Committee for consideration.

The Committee also received a presentation from the Actuary which covered the results of the triennial review, assumptions made and how they related, risk factors, investment strategy review and the next steps including communication with Employers.

Members noted the positive progress made towards the long term objective of 100% solvency with the funding level increasing from 84% to 91% and the deficit recovery period reducing from 22 to 19 years and the potential benefits and risks associated with allowing discounts for employers who pay deficit contributions in advance.

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

## **RESOLVED**

(a) that the process carried out by the Fund Actuary as a basis for revision of the Funding Strategy Statement, be approved;

(b) that the proposed policy for allowing discounts to employers who pay their deficit contributions in advance be approved.

\* 146

## **Pensions Administration Strategy**

The Committee considered the Report of the County Treasurer (CT/19/108) on the proposed Pension Administration Strategy (PAS). Although not a legal requirement, the PAS provided a mechanism to formulate a service level agreement between the administering authority and the scheme employers. It covered a number of areas including procedures for liaison and communication and set out the performance standards and expectations for employers and the administering authority. A PAS also helped improve governance arrangements, ensuring that scheme employers and Peninsula Pensions worked together to ensure compliance with regulations.

The draft PAS had been presented to the Devon Pension Board at its meeting on 21st October 2019 and its recommendations were incorporated in this draft Statement (attached at Appendix 1 of the Report).

Members comments/points in discussion with the Officers included:

- the relatively very small number of Employers making late payments;
- the possible impact on administration dependent on the outcome of the Mcloud Case which was still awaited, and
- Peninsula Pensions officers would work with Employers to avoid and address breaches which would now be logged and following any persistent breaches, consideration would be given to report to the Regulator and the need for close working relations for the benefit of Fund Members.

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

**RESOLVED** the revised Pension Administration Strategy be endorsed.



\* **147**      **Statutory Statements - Communications Policy**

The Committee considered the Report of the County Treasurer (CT/19/109) on the Communications Policy which set out the Fund's policies on the provision of information and publicity about the Scheme to Fund Members and their representatives and employing authorities. It set out the format, frequency and method of distributing such information or publicity to other key organisations.

The Policy was last updated and considered by the Investment and Pension Fund Committee in November 2018. Further changes had been made to the Policy as set out in the Report which had been discussed by the Pension Board at their meeting in October 2019, and their comments were also reflected in the revised Policy (Appendix 1 to the Report).

It was **MOVED** by Councillor Saywell, **SECONDED** by Councillor Parker Delaz-Ajete and **RESOLVED** that the revised Communications Policy be approved.

\* **148**      **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/19/110) on the Fund value and asset allocation, performance against the benchmark, funding level, budget monitoring, cash management and engagement activity.

The Fund value at 30 September 2019 stood at £4,558.6m, an increase of £94m over the quarter.

Members noted a substantial payment by an Employer to eliminate their deficit.

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

(a) that the Investment Management Report be noted; and

(b) that compliance with the 2019/20 Treasury Management Strategy also be noted.

\* **149**      **Private Markets Allocations**

The Committee considered the Report of the County Treasurer (CT/19/111) on proposed private market investments in line with the Strategic Investment Review which had been conducted by Mercer Investment Consultants in 2017 relating to infrastructure, private debt and private equity. The Report also reviewed the direction of travel and proposed that additional commitments should be made to move towards the long-term target allocation.

The Committee's Independent Adviser fully supported the proposal.

It was **MOVED** by Councillor O'Dwyer, **SECONDED** by Councillor Parker Delaz-Ajete and **RESOLVED** that the following further commitment in private markets be approved

(a) £250 million to the Brunel Infrastructure Portfolio;

(b) £100 million to the Brunel Private Debt Portfolio; and

(c) £125 million to the Brunel Private Equity Portfolio.

# Agenda Item 12g

INVESTMENT AND PENSION FUND COMMITTEE  
15/11/19

\* **150**      **Global Investor Statement to Governments on Climate Change**

The Committee considered the Report of the County Treasurer (CT/19/112) on a proposal by the Brunel Partnership for the County Council to sign up to the Global Investor Statement to Governments on Climate Change. This represented a call from investors to policy makers for the full and urgent implementation of the Paris Agreement, a quicker transition to a low carbon economy and greater climate-related financial reporting. The statement was attached as Appendix 1 to this Report.

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

**RESOLVED** that the Devon County Council Pension Fund becomes a signatory to the Global Investor Statement to Governments on Climate Change.

\* **151**      **Dates of Future Meetings**

28 February 2020, 19 June 2020, 18 September 2020, 27 November 2020 and 26 February 2021 all at 10.30 am at County hall, Exeter,

\* **152**      **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 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 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.

\* **153**      **Brunel Pension Partnership - Transition of Assets and Reserved Matters**

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

The Committee considered the Report of the County Treasurer (CT/19/113) on Brunel's progress in setting up the Property, Emerging Markets, Active High Alpha Global Equities and Diversified Growth portfolios and proposed actions required to transition from the current diversified growth fund investments. The Report also provided an update on the current position with regard to the remuneration terms of the vacant Brunel Chief Executive Officer post and current issues around Brunel's governance arrangements.

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

**RESOLVED**

(a) that the County Treasurer be authorised to terminate the current investment in the diversified growth funds at the appropriate time and liaise with the Brunel Pension Partnership to arrange the transition of assets to the Brunel DGF Portfolio; and

(b) that the position with regard to the Brunel governance review be noted.

\* **154**      **Devon Fund Governance Review**

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

The Committee noted the Report of the County Treasurer (CT/19/114) on a review by the Pensions Regulator of the governance arrangements of 10 unnamed LGPS funds selected at

random which had taken place between October 2018 and July 2019 and which had included the Devon Fund. Following the Regulator's work with the Devon Fund a letter detailing their observations had been received and reported to the Pension Board at its meeting on 21 October 2019. Officers reported that, whilst it had been a detailed and time consuming exercise, it had been a very useful review of all operations.

The Board had commended the positive findings arising from the thorough independent review and congratulated the senior officers and staff involved. This view was endorsed by the Committee.

The Pension Regulator had now published its report on the whole LGPS engagement exercise which can be found at:

<https://www.thepensionsregulator.gov.uk/en/document-library/research-and-analysis/governance-and-administration-risks-in-public-service-pension-schemes-an-engagement-report>

None of the participating funds were named in the wider Report.

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

The Meeting started at 10.30 am and finished at 12.20 pm



## CHILDREN'S SCRUTINY COMMITTEE

18 November 2019

### Present:-

Councillors R Hannaford (Chair), D Sellis, S Aves, J Brazil, C Channon, G Gribble, J Hawkins, L Hellyer, R Hosking, T Inch, A Saywell, M Squires, C Mabin and P Sanders

### Apologies:-

Councillors F Biederman and A Connett

### Members attending in accordance with Standing Order 25

Councillor J McInnes

\* 140

### Minutes

**RESOLVED** that the Minutes of the meeting held on 16 September 2019 be signed as a correct record.

\* 141

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 142

### Public Participation

There were no oral representations from members of the public.

\* 143

### In-Year Budget Briefing

(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 In-Year Budget Briefing Report of the Chief Officer for Children's Services (CS/19/30) outlining those areas of specific pressures on budgets and on action being taken to address this. The Report noted that the budget for the Service had been increased year on year, partly in response to the growth in demand/unit costs and partly to enable important developments, although the latter had also been supported through the earmarking of Business Rates Retention reserve monies.

The Report noted that, at the time of writing, the High Needs Block of the Dedicated Schools Grant was projecting a funding gap for the end of the financial year of £18.8 millions. Both the Council and Government recognised the national context of rapidly increasing demand and a legal framework driving demand without the corresponding investment. The Chancellor, in his 2019 one-year spending review, committed an additional allocation of £700 millions into Local Authority for SEND nationally in 2020/21 and the Council's share of this funding was confirmed at £5.5 millions.

The Report highlighted that the Council had determined to hold the SEND funding gap on the balance sheet rather than showing it as an overspend, which was in line with proposals currently being consulted upon and, subject to the outcome of this consultation, the Department for Education was proposing that from the end of 2019/20 local authorities must carry forward the whole overspend to the schools budget in future years.

# Agenda Item 12h

CHILDREN'S SCRUTINY COMMITTEE  
18/11/19

Members noted that Children's Social Care had seen a sustained increase in the number of children in care, which related more to the rate of children leaving care than to the rate of children entering care. However, adolescent care entry continued to be challenging. Also, School transport and legal disbursements were areas of significant pressure.

The Report highlighted that the Public Health Nursing Service was in-sourced in 2019 and the end of year forecast position for 2019/20 was satisfactory, but costs in future years exceeded the allocated budget, which was fully funded by the Public Health Grant. Work was underway with Public Health and Corporate Services to explore how costs could be brought within budget without staffing reductions.

Members' discussion points with Officers included:

- that adolescent care entry was higher in Devon compared to other local authorities;
- challenges in the sufficiency of placements and alternative placements; getting the right service at the right time; and the development of an 'edge of care' service which was hoped would impact next year;
- the staffing of Public Health Nursing; and
- that assessment of EHCPs were independently reviewed and being confident that threshold was correct.

In response to questions, the Head of Commissioning for Children's Services advised the Committee that the contract with Young Devon to deliver Early Help for mental health services was a three-year contract which had had two one-year extensions. Being now in the final year of the contract, commissioners were considering future funding arrangements for these services. If future commissioning was taken forward in this area, normal process would be on at least a three-year funding arrangement.

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

**RESOLVED** that the Committee welcomed the approach of commissioners to provide longer term funding arrangements for children's mental health services through future commissioning arrangements.

## \* 144 **Progress following Ofsted Focussed Visit (Minute\*126/10 June 2019)**

The Committee received the Report of the Head of Children's Social Care (CS/19/29) on progress following Ofsted's focussed visit on 1-2 May 2019. Focussed Visits were part of the Inspection Framework for Local Authority Children's Services designed to support improvement. Devon had identified Children in Need as a priority for improvement and the subsequent Children in Need Focussed Visit letter had identified four areas for improvement of practice.

The Report highlighted that more children open to children's services had an annually updated assessment and more assessments were of a better quality. The proportion of cases sampled where the assessment was good, had increased significantly over the past year. Changes had also been made to the Council's Quality Assurance Framework to increase the focus on outcomes whilst maintaining a proportionate focus on activity and practice standards.

Also highlighted was the continuing challenges with performance and management information from Eclipse and focussed activity to remedy all residual challenges following implementation was being driven by a Mobilisation Board of key partners chaired by the Council's Head of Commissioning for Children's Services.

Members' discussion points with Officers included:

- training and supervision - training in schools was available through e.g. the Dedicated Safeguarding leads, the annual conference and forum meetings; and recognition that there was more to do around social work supervision;
- clarification that assessments were single assessments carried out at the point of referral and updated annually or if circumstances changed significantly;
- the challenges posed by Eclipse due in part to data migration from one system to another; and
- Members were encouraged to visit their social work locality teams and the Chief Officer undertook to circulate to Members contact details for locality and area managers.

\* **145** **Children's Social Care Self-Assessment**

(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 Chief Officer for Children's Services (CS/19/31), which presented Members with the Children's Services Annual Self-Assessment. The self-assessment was in two parts, the first part covered most of Children's Services; and the second part covered in more depth social work in the Service and was closely linked to the Inspection of Local Authority Children's Services framework. The self-assessment also formed the basis of the Ofsted Annual Conversation.

Discussion points on the Children's Services self-assessment included:

- clarify was requested regarding fuel poverty and the statement '*12% of all households are above the England rate*', which the Chief Officer undertook to provide;
- the uptake of free school meals and the stigma attached thereto particularly in deprived rural and coastal communities;
- elective home education and safeguarding visits carried out by Children's Services to unregistered education providers who were not inspected by Ofsted,
- that Personal Advisors were available to provide help and support to those care leavers living in 'unsuitable accommodation' (as defined by Ofsted), which included custody and shared student accommodation;
- the resource and travel burden of having placements outside of Devon; and
- the Oracy project in Torridge which was a joint project looking at the outcomes for disadvantaged children.

\* **146** **Children's Centre Services**

(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 Joint Report of the Head of Commissioning, Children's Services and Head of Public Health Nursing (CS/19/27), which updated Members on the performance of the Children's Centre services delivery, the changes that had been implemented to deliver a targeted service and the opportunities being explored for integrated working with Public Health Nursing Service.

The Operational Director of Action for Children also attended and spoke at the invitation of the Committee.

The Report highlighted the Impact of Changes in Year One; Performance Management Data from April 2018 to March 2019; and Service Development and integrated working with Public Health Nursing next steps.

Members' discussion points with Officers included:

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- how Children's Centres should not be looked at as 'buildings', but as a delivery of services to children;
- active recruitment to vacancies across Public Health Nursing, offering a comprehensive induction programme;
- the lack of affordable housing for key workers in rural areas and how this should be monitored going forward;
- how local communities could approach their local Member for Locality funding to support universal services for young families; and
- that visits from the Committee to Children's Centres would be welcomed.

\* **147**      **Children's Standing Overview Group**

The Committee received the Report of the Scrutiny Committee Standing Overview Group which outlined the topics covered at its October meeting, highlighting the key points raised during discussion and listing the agreed actions.

The Head of Transport Services updated Members on the impact the Public Service Vehicle Accessibility Regulations would have on school transport, which followed a recent Court case where the Department for Transport had interpreted that the Regulations would also apply to rail replacement services and school transport which was fare paying. Further information and guidance from the Department for Transport was expected shortly and would then be shared with the Committee.

\* **148**      **SEND Written Statement of Action - Progress**

The Committee considered the Report of the Head of Education and Learning (CS/19/28) which detailed progress following the SEND Written Statement of Action that had identified four areas requiring significant improvement.

The following in discussion was highlighted:

- significant funding had been made available to improve capacity within SEN teams; and a Development Lead had also been appointed;
- CCG - a bid for £700,000 investment had been successful to help tackle Autism waiting lists;
- two new Special schools (Tiverton and Glendinning); and a business case for capital investment for 300 additional Special school places had been made and was awaiting Council ratification;
- all new staff would receive Induction training - to be rolled out in December 2019; and
- that pupils with EHCPs were above the national average in all the key stages.

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

**RESOLVED** that the Committee welcomed proposed additional funding and investment in SEN to support additional provision in special schools and meet the statements laid out in the Written Statement of Action.

\* **149**      **Scrutiny Committee Work Programme**

**RESOLVED** that the current Work Programme be approved.

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

The Meeting started at 2.20 pm and finished at 5.25 pm