

*County Council
Thursday, 20th February, 2020*



*You can view the agenda at
<https://www.devon.gov.uk/democracy/>
or use a smart phone camera and scan the code above.*

NOTES FOR VISITORS

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

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

Access to County Hall and Public Transport Links

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

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

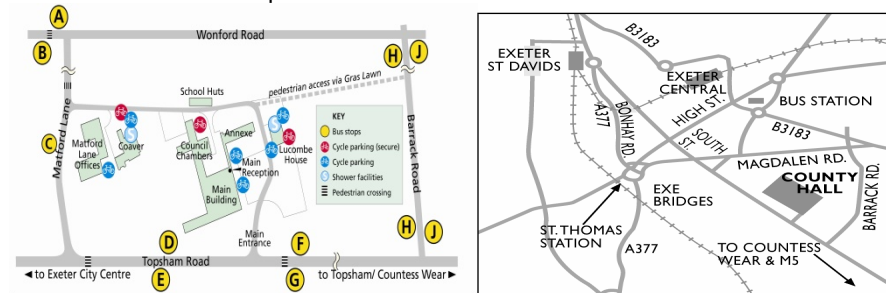
Car Sharing

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

Car Parking and Security

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

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



NB   Denotes bus stops

Fire/Emergency Instructions

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

First Aid

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



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

31 January 2020

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 20th February, 2020 at 2.15 pm.

Chief Executive

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

A G E N D A

1 Apologies for Absence

2 Minutes

To approve as a correct record and sign the minutes of the meeting held on 5 December 2019.

3 Announcements

4 Items Requiring Urgent Attention

5 Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

6 Petitions from Members of the Council

7 Questions from Members of the Council

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

FRAMEWORK DECISION

8 Revenue Budget 2020/2021, Medium Term Financial Strategy & Capital Programme 2020/2021 to 2024/2025

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2020/21 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://www.devon.gov.uk/impact/budget-2020-2021/>.

To receive and approve the Report of the County Treasurer (CT/20/20) together with the Minutes of the Cabinet held on 14th February 2020 relating to the budget and the Scrutiny Budget Resolutions from 28th January 2020, attached.

Minutes from the recent Scrutiny Budget meetings (Children's Scrutiny, Health and Adult Care and Corporate Infrastructure and Regulatory Services) are also attached for the information of Members.

The Report of the County Treasurer will follow. The Cabinet Minutes will be available to view at <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=3435&Ver=4> shortly.

- a Scrutiny Budget Recommendations 2020/2021 (Pages 1 - 2)
- b Children's Scrutiny Committee (Budget Meeting) - 20 January 2020 (Pages 3 - 6)
- c Health and Adult Care Scrutiny Committee (Budget Meeting) - 23 January 2020 (Pages 7 - 12)
- d Corporate Infrastructure and Regulatory Services Scrutiny Committee (Budget Meeting) - 28 January 2020 (Pages 13 - 18)

9 Pay Policy Statement 2020/2021 (Pages 19 - 26)

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments, Remuneration and Chief Officer Conduct Committee (4 February 2020) (Minute 55 refers). The minutes and Pay Policy Statement are attached.

OTHER MATTERS

10 Cabinet Member Reports

To consider reports from Cabinet Members.

11 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Appeals Committee - 6 January 2020 (Pages 27 - 28)

- b Procedures Committee - 4 February 2020 (Pages 29 - 32)
- c Appointments, Remuneration and Chief Officer Conduct Committee - 4 February 2020 (Pages 33 - 36)
- d Children's Scrutiny Committee (Ordinary Meeting) - 20 January 2020 (Pages 37 - 40)
- e Health and Adult Care Scrutiny Committee (Ordinary Meeting) - 23 January 2020 (Pages 41 - 46)
- f Corporate Infrastructure and Regulatory Services Scrutiny Committee (Ordinary Meeting) - 28 January 2020 (Pages 47 - 50)

NOTICES OF MOTION

12 LGBT+ Inclusive Relationship and Sex Education (Minute 255 - 5 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 449(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council be asked to support the principles of the Motion and therefore commits to advocate, promote and challenge schools to deliver RSE in line with new Government guidance'.

Care Leavers Council Tax Exemption (Minute 256 - 5 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 449(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely;

*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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that Council note that in April 2020 there will be an evaluation of the first-year operation of the scheme established by the Devon Local Government Steering Group (targeted support including exceptional hardship funding and/or discretionary Council Tax write offs); and*

(b) that this review establish how the Council continue to support care leavers by establishing how many care leavers have been assisted, how they have benefited, the costs to the Collection Fund and to inform a further consideration of alternative options available for the future of support for care leavers.

14 Artificial Light Pollution (Minute 257 - 5 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 449(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved** that Council:

(a) Notes with concern recent research highlighting the effect of artificial lighting in contributing to the decline of insect populations;

(b) Continues its current efforts to reduce the detrimental effects of artificial lighting; and

(c) Investigates what further steps might be taken as part of its commitment to enhanced environmental action through the DCC Environmental Performance Board.

15 Devon and Somerset Fire and Rescue Service - Consultation and Options for Change (Minute 258 - 5 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 258) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely;

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/1) and the updated report circulated at the meeting and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that the Council notes the decisions made on 10 January 2020 by the Devon and Somerset Fire and Rescue Authority about changes to operation of the fire and rescue service, the details of which are summarised in the statement available here;
<http://www.dsfire.gov.uk/News/Newsdesk/PressReleaseArticle.cfm?ReleaseID=2277&siteCategoryId=3&T1ID=26&T2ID=36>.

16 Prevention Concordat for Better Mental Health and the 'Every Mind Matters' Campaign (Minute 259 - 5 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 449(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Scott and referred thereto in accordance with Standing Order 8(2), namely;

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.

(further information at <https://www.gov.uk/government/publications/prevention-concordat-for-better-mental-health-consensus-statement/prevention-concordat-for-better-mental-health>)

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that this Council requests the support of all Members for signing the Prevention Concordat; in promoting the Public Health England 'Every Mind Matters' campaign; in supporting the mental health of the Council's employees and, through its commissioned services, the mental health of providers; and to support the work the Council currently does – and will continue to do – in using the lived experience of people to better understand and to help and prevent mental ill-health'.

17 Totnes and Littlehempston Cycle / Footpath Scheme and the Council's Cycling and Multiuse Trail

Councillor Hodgson to move:

That the proposed Cycle and footpath link scheme between Totnes and Littlehempston be added to the County Council's current Cycling and Multiuse Trail strategy as this will:

- 1. provide an important non-vehicular link between Totnes and its adjacent parish and village centre in Littlehempston;*
- 2. support the SHDC A385 Air Quality Management Action Plan (it is listed as an action) to address traffic congestion and air quality in Totnes and environs;*
- 3. complete an important missing link of the national NC2 cycle route (which when complete will link Dover in Kent with St Austell in Cornwall) supporting commuters as well as tourism; and,*
- 4. thereby support DCC's declaration of a climate emergency.*

18 The Education (Guidance about Costs of School Uniforms) Bill 2019-20

Councillor Hannaford to move:

Council notes

In July 2019, the Work and Pensions Committee and Education Committee held a joint evidence session on school holiday poverty.

Following the session, the chair of the Work and Pensions Committee, Frank Field, sent a letter to the Secretary of State for Education stating that the testimony at the session from parents and parental support organisations was "profoundly distressing" and raised the issue of school uniform costs, in particular schools using particular providers for generic items.

The letter asked the Secretary of State to consider what the Government can do in supporting parents dealing with high uniform costs. It further stated that the committees would return to the wider issue later in the year, with further evidence sessions and a report.

Council notes with concern.

*The Children's Commission on Poverty, supported by the Children's Society, published **The Wrong Blazer: Time for action on school uniform costs** in 2015, a report that highlighted concerns about uniform costs, recommended making the DfE guidance statutory, as well as that the Government should explore a school uniform cost cap.*

In August 2018, the Children's Society published an update to the report, based on a survey of 1,000 parents, which highlighted uniform costs and the potential impact on children:

*The report, **The Wrong Blazer 2018: Time for action on school uniform costs**, revealed families are paying out more on school uniforms, with an average of £340 per year for each child at secondary school – an increase of 7% or £24 since 2015. Parents of primary school children spent on average £255 per year, an*

increase of 2% since 2015.

The high cost of uniforms can be put down in part to school policies that make parents buy clothing from specialist shops rather than giving them the choice of buying items at cheaper stores such as supermarkets or high-street chains. Where parents have to buy two or more items of school uniform from a specific supplier, spending was found to be an average of £71 per year higher for secondary school children and £77 higher for primary school children.

For children themselves, the cost of school uniform can have a serious impact. Around one in 10 parents said it had led to their child wearing uniform that didn't fit properly, and more than one in 20 said that their child had been sent home for wearing the wrong clothes or shoes as a result of them struggling to afford the cost.

The full report again recommended that the Government make the DfE guidance statutory, and also that the Government should end the freeze on key benefits and tax credits for families with children.

Council welcomes

The Education (Guidance about Costs of School Uniforms) Bill 2019-20 that was introduced by Labour Mike Amesbury MP following the Private Members' Bills Ballot on 9 January 2020.

First reading took place on 5 February 2020 and the Bill's second reading is due on 13 March 2020.

The bill is designed to cut the cost of school uniforms in England. The draft legislation would aim to strengthen existing guidance encouraging schools to keep down costs.

It could also force schools to keep compulsory branded items, like blazers, to a minimum. Especially as an inquiry last year heard items like blazers embroidered with school logos can cost up to three times more.

The bill, whose details have yet to be finalised, now stands a much better chance of approval with government support.

The draft law has already received the backing of some Tory MPs such as Huw Merriman and Kevin Hollinrake, as well as Lib Dem education spokesperson Layla Moran.

It is understood that the bill would aim to make government uniform guidance statutory, meaning schools would be legally required to follow it.

The move would bring the English school system into line with Wales, where new statutory guidance came into force in September last year.

Council therefore resolves

To formally write to all Members of Parliament in the Devon County Council area, clearly raising all these issues and concerns, with some local context, to urge

them to actively support and vote for this Private Members Bill, through all its parliamentary stages to ensure that it is enacted into law at the earliest opportunity.

19 Support to Town and Parish Councils and Speed Awareness Signs

Councillor Connett to move:

'Parish and Town Councils across Devon should be supported in providing the popular 'flashing or vehicle activated speed awareness' signs in their communities and the current fog of bureaucracy imposed by Devon County Council is ended. We call for a simpler system to help and support our local communities tackle concerns about speeding vehicles by giving our local Highways Officers the authority to agree the number and location of the 'vehicle activated speed awareness' signs with Parish and Town Councils'.


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

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

Health & Wellbeing Board-

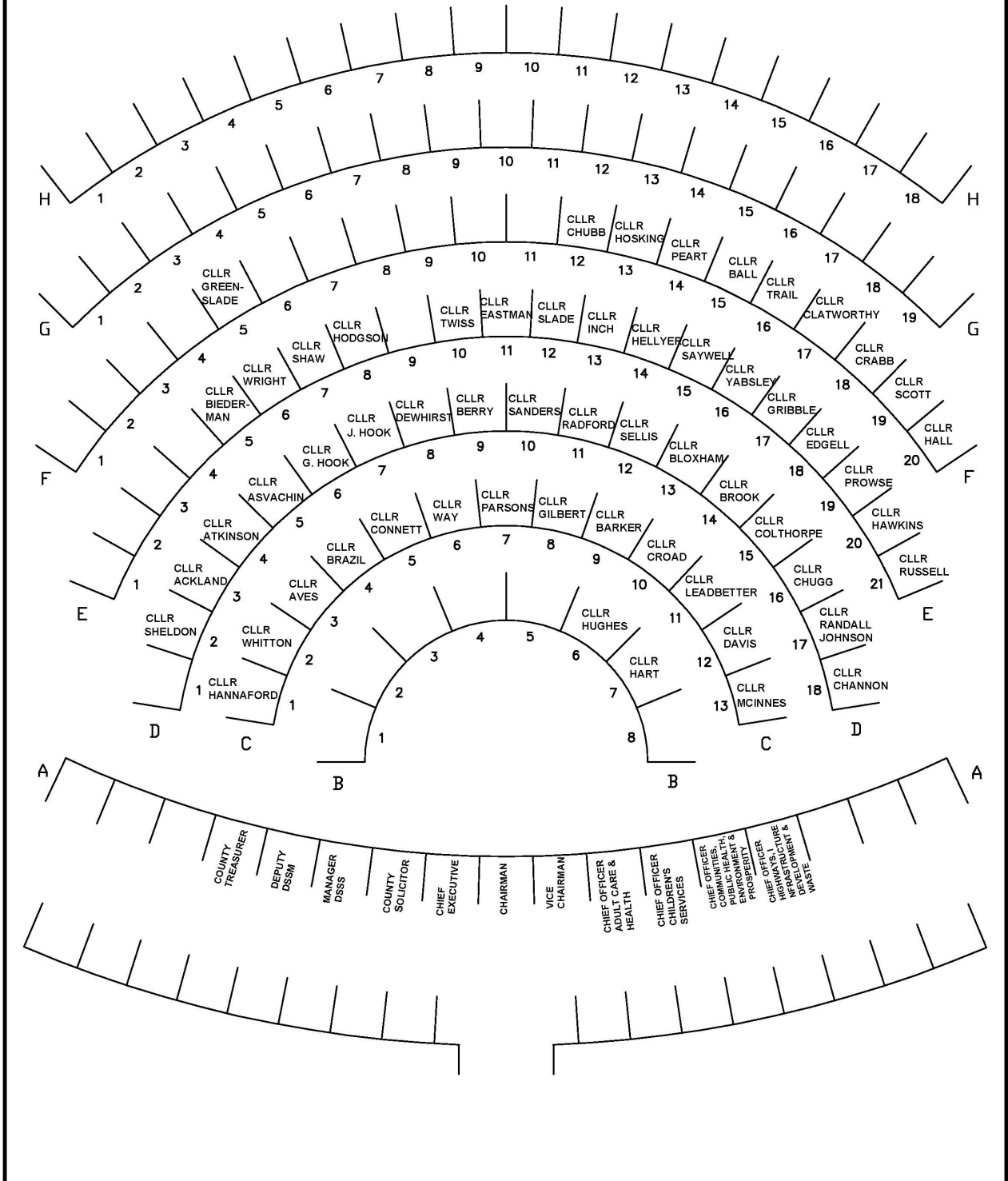
<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

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

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

Council Chamber Seating

DECEMBER 2019



Scrutiny Budget recommendations 2020/21

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

Welcome and supports

1. Thanks the finance team for prudent financial management and the composition of the budget book.
2. Record thanks to the endeavours of the officers of the Council across all service areas.
3. The increases to budgets considering the demand led services and additional pressures on the budget. However, scrutiny does recognise the pressures resulting from the national living wage and inflation.

| | |
|--|------|
| Children's | 8.5% |
| Adults | 10% |
| Communities, Public Health, Environment and prosperity | 2.4% |
| Corporate services | 7.1% |
| Highways infrastructure, development and waste | 5.1% |

Record Concern

4. That the budgets prepared based on Cabinet's approved targets are sufficient to meet the demands placed on those services and that the apportionment of resources between the various services is appropriate and proportionate. Most notably:
 - the realism of achieving the £1.1million savings in children's services notwithstanding the edge of care work coming to fruition.
 - that based on the provisional nature of the Public Health settlement that sufficient funds are in place to ameliorate any shortfall in funding
 - and that the budget savings across the Health and Adult Care budget are achievable.
5. Ask for greater clarity over the breakdown of figures in the budget papers, for example opportunities from the Better Care Fund showing the support given to the third sector.

Cabinet be asked to

6. Consider additional funds for the following:
 - I) Investment in the children's services workforce designed to curb the spend in agency cost
 - II) further investment in early help for SEND
 - III) The Prevention work as part of the STP made possible through significant partnership arrangements with and between Districts, the third and voluntary sector and the NHS including financial support to support and develop local community groups and charities.

Agenda Item 8a

7. Ask Central Government to overhaul the budget setting process for Local Authorities including:
 - I) Move to four-year finance settlements to support financial certainty and longer-term planning
 - II) Giving clarity over settlement figures as soon as possible and in future as far in advance as possible to enable effective service planning.
8. Lobby Central Government and Public Health England to increase the Public Health Grant, recognising the insufficient funding for prevention work for the determinants of adverse childhood trauma and mental health and reiterating that investing in prevention will reduce spend by the NHS, DCC and Statutory Services upon treatment.
9. In the event there is additional funding in the Public Health Grant Settlement this be dedicated to prevention work with substance misuse, particularly alcohol and mental health.
10. Write to Secretary of State for Education requesting fair funding for schools; drawing attention to:
 - I. the insufficiency of High Needs Block Funding to meet the needs of children with SEND in Devon. The Committee requests that the funding formula is no longer based on outdated census data applied to meet current needs, and also takes account of complete pay and pension funding for non-teaching school staff.
 - II. Funding for small rural schools which are particularly prevalent in Devon.
11. To hold Central Government to account on promises and make it aware of the impact of policies namely:
 - I) Adequately resourcing additional responsibilities that may arise from the Prevention White Paper.
 - II) Recording concern about recruitment in Health and Adult Care following from the proposed points-based immigration system and from leaving the EU,
 - III) Call for the Swift publication of the Green Paper on Adult Social Care
12. Use the conclusions from the climate change citizens assembly, when available, to lobby central government to provide more significant funds available for local green measures possibly including public transport and cycling infrastructure.

CHILDREN'S SCRUTINY COMMITTEE

20 January 2020

Present:-

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

Apologies:-

Councillor A Connett and Mrs C Mabin

Members attending in accordance with Standing Order 25

Councillors J Hart, J McInnes and A Dewhirst

* **150** **Minutes**

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

* **151** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **152** **Public Participation**

There were no oral representations from members of the public.

* **153** **Budget 2020/21 and Capital Programme for 2020/21 to 2024/25**

The Committee welcomed the proposed budget for the 2020/21 financial year being scrutinised by individual Scrutiny Committees.

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

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

The Committee then considered the joint report of the County Treasurer and the Chief Officer for Children's Services (CT/20/02) on the 2020/21 Budget which included sections on the Provisional Local Government Finance Settlement made by Government and the budget targets set by the Cabinet for each service area which included inflation, commitment and savings. The Report also detailed the proposed medium-term capital programme for the Children's Service and how it was funded.

Agenda Item 8b

CHILDREN'S SCRUTINY COMMITTEE
20/01/20

The Cabinet, at its meeting of 11th December 2019, had set Revenue Budget targets for 2020/21 which totalled £529.974 millions. 2019/20 had been the last year of the four-year Local Government Financial Settlement and 2020/21 was hoped to be the first year of a new multi-year settlement that would contain the outcome of the Fairer Funding Review, the Business Rates reset and 75% or 100% Business Rates Retention, but this had not happened. In September, the Chancellor announced a one-year Spending Round (badged as a 'Roll-forward' for Local Government) but it did contain some proposals for additional funding including the SR19 Social Care Support Grant, Schools funding and SEND High Needs Block. The Fairer Funding Review along with both the Business Rates reset and Retention plans were delayed until at least 2021/22.

On the 20th December, the Secretary of State for the Ministry for Housing, Communities and Local Government, The Rt. Hon. Robert Jenrick MP, made a written statement to Parliament on the Provisional Local Government Finance Settlement 2020/21. This was as expected and gave an opportunity to increase the Spending Targets that were previously set. The settlement was for one year only. The targets were revisited by the Cabinet on 15th January 2020.

In relation to Council Tax, the referendum limit was 2% with social care authorities allowed a 2% social care precept. The three elements of the Business Rates Retention system (Baseline Need, NNDR Baseline and Tariff/Top Up amounts) had all increased by 1.63%, in line with the September 2019 CPI inflation figure. The Revenue Support Grant had increased in line with the Business Rates Retention system (+1.63%) and in relation to the Social Care Support Grant and Improved Better Care Fund, the provisional settlement confirmed the previously proposed national amounts and allocation methodologies. The national allocation of £81m and methodology for distribution of the Rural Services Delivery Grant remained unchanged from 2019/20 and there were no new business rates pilots for 2020/21.

The increased Revenue Spending Targets for 2020/21 now totalled £541.2 millions which represented an increase of £11.3 millions on the December Targets and an increase of £43.1 millions or 8.7% on 2019/20.

The target budget for Adult Care & Health had increased by £7.7 millions, for Children's Services an increase of £2.5 million. The increased Targets also included £60,000 for additional legal support within Corporate Services and £1 million within Highways, Infrastructure and Waste to help with drainage issues on the Highway network.

The target budget for Adult Care & Health was £260.258 millions, a net change of £23.714 millions or 10.0%. For Children's Services, this was £146.845 millions, the net change being £11.538 millions (8.5%). Community Health, Environment & Prosperity was £39.713 millions, with the net change of £925.000 or 2.4%. For Corporate Services £37.160 millions, a net increase of £2.479 millions (7.1%) and in relation to Highways, Infrastructure Development & Waste £57.508 millions, an increase of £2.790 millions (5.1%).

Although the final settlement would not be received until late January or February, the risk of the figures being very different was low.

The Committee were reminded that its consideration of the draft Children's Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 14th February 2020 formulating a budget for consideration by the County Council on 20 February 2020.

The Chief Officer and Heads of Service commented on the likely implications of the 2020/21 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands.

The Leadership Group commentary in the Report referred to a year dominated by Brexit and political unease, culminating in December's General Election, which had all added to an unprecedented level of financial uncertainty for local government. Adult and Children's Services in particular were experiencing significant financial pressures, with a shortfall in grant funding related to Special Educational Needs and Disabilities a major concern for the coming year and into the future.

The Report also contained the detailed budget proposals for Children's Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Children's Services base budget was £146.845 millions (an increase of 8.5% from 2019/20) and included inflation and pressures of £12,709 millions and required savings and income initiatives of £1.171 millions.

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

The Report before the Committee referred to the Budget 2020/21 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available [here](#)) for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments were a dynamic process and that individual assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

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

- one of the greatest pressures in Children's Social Care continued to be the rising cost of residential and supported accommodation for looked after children, driven by the ongoing lack of sufficiency in the market at local and national levels;
- in recognition of changes in the types of package of care children and young people needed access to, across the service £2.5 millions had been provided in the budget to meet growth;
- an additional £1.4 millions had been allocated for short breaks and community-based packages for disabled children to better meet increasing demand and complexity;
- investment of £247,000 had been provided to fund an additional team of social workers to support Transitions into adulthood;
- additional funding of £155,000 had been provided to boost capacity to ensure great communication, participation and engagement of children, young people and their families and carers, focussing on Special Educational Needs and Disabilities and Children's Social Care;
- acceleration of plans to step children down from exceptional or high cost placements was expected to save £520,000 and a review of non-statutory services and joint funding arrangements was expected to realise savings of just under £650,000;
- additional funding of £1 million for Public Health Nursing to increase front line capacity to meet demand, with more efficient ways of working planned through better use of IT and accommodation; and the Service actively recruiting to vacant posts which were critical to the effective delivery of the service across Devon;
- the Designated Schools Grant (DSG) was increasing by £29.1 millions within the schools and early year settings, with cost pressure continuing to relate to the SEND High Needs service;

Agenda Item 8b

CHILDREN'S SCRUTINY COMMITTEE
20/01/20

- concerns had been raised with the Department of Education over the rising costs and demand of special educational needs, and although Government had responded with £780 millions nationally for 2020/21, it was not sufficient to deal with the demand on the High Needs Block;
- regulatory and operational pressures continued to grow on the school transport service, putting pressure on bus and coach operators, resulting in a 15% increase in re-tendering costs; and
- the cost of Personalised School Transport continued to rise due to a continued increase in the number of children requiring complex transport arrangements, increasing costs by approximately 15% over the past year.

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

RESOLVED

(a) that the provisional financial settlement and its impact on spending targets and on the proposed Children's Services budget for 2020/21 and the issues and/or observations set out above be drawn to the attention of the Cabinet meeting on 14 February 2020;

(b) that the Committee welcomes and supports the £11 million increase in the budget for Children's Services with recognition of the robust planning undertaken by the Service to address needs led budgets and recognise the change in language used in the preparation of the budget;

(c) that the Committee record concern for Cabinet to satisfy itself about the realism of achieving the £1.1million savings, notwithstanding the edge of care work coming to fruition;

(d) that Cabinet be asked:

- (i) to write to Secretary of State for Education requesting fair funding for schools, drawing attention to:
 - the insufficiency of High Needs Block Funding to meet the needs of children with SEND in Devon. The Committee requests that the funding formula is no longer based on outdated census data applied to meet current needs, and also takes account of complete pay and pension funding for non-teaching school staff; and
 - funding for small rural schools which are particularly prevalent in Devon;
- (ii) to ask Government to review year on year funding arrangements and grant based initiatives to provide longer term funding arrangements, supporting financial certainty and longer-term planning;
- (iii) for investment in the workforce designed to curb the spend in agency cost; and
- (iv) to consider further investment in early help for SEND.

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

The Meeting started at 10.30 am and finished at 1.17 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

23 January 2020

Present:-

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

Apologies:-

Councillors J Berry, A Connett, P Twiss and J Yabsley

Members attending in accordance with Standing Order 25

Councillors A Dewhurst and A Leadbetter

* 164 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 165 **Public Participation**

There were no oral representations from members of the public.

* 166 **Budget 2020/21 and Capital Programme for 2020/21 to 2024/25'**

(Councillor A Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item in regard to Health and Adult Care budget proposals).

The Committee welcomed the proposed budget for the 2020/21 financial year which was being scrutinised by individual Scrutiny Committees.

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

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

The Committee then considered the Joint Report of the County Treasurer, the Chief Officer for Adult Care and Health Services and the Chief Officer for Communities, Public Health, Environment and Prosperity (CT/20/03) on the 2020/21 Budget which included sections on the Provisional Local Government Settlement made by Government and the budget targets set by the Cabinet for each service area which included inflation, commitment and savings. The Report also detailed the proposed medium-term capital programme for the Adult Care and Health and how it was funded.

The Cabinet, at its meeting of 11th December 2019, had set Revenue Budget targets for 2020/21 which totalled £529,974 millions. 2019/20 had been the last year of the four-year Local Government Financial Settlement and 2020/21 was hoped to be the first year of a new

Agenda Item 8c

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
23/01/20

multi-year settlement that would contain the outcome of the Fairer Funding Review, the Business Rates reset and 75% or 100% Business Rates Retention, but this had not happened. In September, the Chancellor announced a one-year Spending Round (badged as a 'Roll-forward' for Local Government) but it did contain some proposals for additional funding including the SR19 Social Care Support Grant, Schools funding and SEND High Needs Block. The Fairer Funding Review along with both the Business Rates reset and Retention plans were delayed until at least 2021/22.

On the 20th December, the Secretary of State for the Ministry for Housing, Communities and Local Government, Rt. Hon. Robert Jenrick MP, made a written statement to Parliament on the Provisional Local Government Finance Settlement 2020/21. This was as expected and gave an opportunity to increase the Spending Targets that were previously set. The settlement was for one year only. The targets were revisited by the Cabinet on 15th January 2020.

In relation to Council Tax, the referendum limit was 2% with social care authorities allowed a 2% social care precept. The three elements of the Business Rates Retention system (Baseline Need, NNDR Baseline and Tariff/Top Up amounts) had all increased by 1.63%, in line with the September 2019 CPI inflation figure. The Revenue Support Grant had increased in line with the Business Rates Retention system (+1.63%) and in relation to the Social Care Support Grant and Improved Better Care Fund, the provisional settlement confirmed the previously proposed national amounts and allocation methodologies. The national allocation of £81m and methodology for distribution of the Rural Services Delivery Grant remained unchanged from 2019/20 and there were no new business rates pilots for 2020/21.

The increased Revenue Spending Targets for 2020/21 now totalled £541.2 millions which represented an increase of £11.3 millions on the December Targets and an increase of £43.1 millions or 8.7% on 2019/20.

The target budget for Adult Care and Health had increased by £7.7 millions, for Children's Services an increase of £2.5 million. The increased Targets also included £60,000 for additional legal support within Corporate Services and £1 million within Highways, Infrastructure and Waste to help with drainage issues on the Highway network.

The target budget for Adult Care and Health was £260.258 millions, a net change of £23.714 millions or 10.0%. For Children's Services, this was £146.845 millions, the net change being £11.538 millions (8.5%). Community Health, Environment & Prosperity was £39.713 millions, with the net change of £925,000 or 2.4%. For Corporate Services £37.160 millions, a net increase of £2,479 millions (7.1%) and in relation to Highways, Infrastructure Development & Waste £57.508 millions, an increase of £2.790 millions (5.1%).

Although the final settlement would not be received until late January or February, the risk of the figures being very different was low.

The Committee were reminded that its consideration of the draft Adult Care and Health and Public Health Services' budgets were just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 14th February 2020 formulating a budget for consideration by the County Council on 20 February 2020.

The Chief Officer for Communities, Public Health, Environment and Prosperity (for Public Health) and the Chief Officer for Adult Care and Health commented on the likely implications of the 2020/21 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands. In order to deliver budget targets in Adult Care and Health budget savings were required in respect of Older People placement costs, supporting people with disabilities, staffing and agency spend, management and support reductions and robust management of demographic and demand pressures. The target budget for Public Health

was show as zero because it was predominately funded by a ring-fenced Government grant which had been budgeted at £28.159 millions.

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

The Report before the Committee referred to the Budget 2020/21 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: <https://www.devon.gov.uk/impact/budget-2020-2021/>) for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments was a dynamic process and that individual assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

The Report contained the detailed budget proposals Public Health (predominantly funded by a ring-fenced grant from the Department of Health) and for Adult Care and Health Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Adult Care and Health Service base budget was £260.258 (an increase of 10 % from 2019/20) and included inflation and pressures of ££28.772 m and required savings and income initiatives of £5.058 millions. The Public Health budget was zero but the gross expenditure budget totalled £28.714 millions (provisional).

(a) Public Health: Specific Issues

This budget remained ring-fenced and the value of the grant had not been confirmed. The Public Health grant remained ring fenced for 2020/21. The value of the grant for 2020/21 has not yet been confirmed. It has been indicated that Local Authorities should expect a 1.7% inflation increase and a 1% increase for additional duties related to HIV prevention. There had been no further update since the letter issued by Public Health England on 21st December 2017 that noted the ring-fencing should still be removed beyond 2020 subject to the assurance arrangements between Public Health England and the Department of Health.

To achieve a balanced budget contract savings and reductions in various demand led service areas have been redirected to meet growing pressures within the Sexual Health contract. The Public Health earmarked reserve would continue to be utilised to manage small cost pressures on the 2020/21 grant.

As noted last year responsibility for delivering the 0-19 Public Health Nursing Service (PHN) transferred to the Local Authority on 1st April 2019. Children's Services were the operational provider of the service which was funded by Public Health who acted as the commissioner. The service was fully operational and was now undergoing a transformational review to ensure best value was being achieved against available funding.

The Public Health budget would also be included in the papers for the Corporate Infrastructure and Regulatory Services Scrutiny Committee which was meeting on 28th January 2020.

(b) Adult Care and Health (Specific Issues)

The Adult Care and Health budget included £35.1 millions of funding from the Better Care Fund which contributed directly to the provision of social care services, and a further £4.8

Agenda Item 8c

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
23/01/20

millions which contributed to joint health and social care arrangements. The Adults budget also includes the continuation of the supplementary Improved Better Care fund grant of £8.6 millions. This grant was designed to be spent on improving the overall health and social care system and was subject to joint agreement with NHS partners. The total pooled budget for the BCF was currently planned to be in the region of £97 millions for 2020/21.

Throughout the budget planning process the core guiding principle was to ensure that clients were supported in a safe care setting that most effectively maximised their independence.

The Chief Officer, Associate Director of Commissioning and Head of Operations and Health referred to demand and unit cost pressures across all service types, market sufficiency, legislative changes, work force issues (both internally and externally in the health and care sectors), children transitioning to adults and autism demands. The savings strategies were primarily aimed at supporting people with disabilities to lead their lives more independently, moving away from institutional based settings. Other risk assessments to achieving the planned savings were outlined in the Report.

(c) Specific issues

Specific issues and observations arising from the current budget proposals raised by Members in discussion with Officers at the meeting included the following:

(i) Public Health

- increasing demand on services remained a challenge in a background of past budget reductions over the previous 5 years and that the final settlement for 2020/2021 had as yet not been received from Public Health England;
- Devon County Council's Public Health budget remained the 6th lowest (per capita) of all (Public Health) local authorities and despite this health outcomes in the County were good with a higher than average life expectancy (where the weighting was higher than that for rurality);
- there remained the possibility that in future years additional responsibilities may be placed on Public Health (primarily from PH England) relating to, for example, pre-exposure HIV programmes and there was no certainty that this additional role would be fully funded;
- Public Health Nursing had now moved to Devon County Council's Children's Services from 2019 (with Public Health commissioning) and a detailed cost analysis was currently underway with the objective of achieving a full staffing complement for the Service for School Nursing and Health Visitors and that the County Council was making additional funds available should it be required;
- other than the Public Health Nursing and the 'One Small Step' initiative no other major change in the commissioning programme was planned and budgets had been prepared in accordance with expected demand;
- demand pressures remained in the budget lines relating to Sexual Health (and access was now better managed) and Substance Misuse where the Alcohol services were particularly stretched and was a growing problem;
- there was less uptake of NHS Health checks and Smoking and Tobacco services; and
- overall the Budget focused on treatments rather than prevention and early intervention because of demand pressures and commissioning requirements.

(ii) Adult Care and Health

- the 10% uplift in the budget was welcomed and there had been no changes to threshold or eligibility service thresholds;
- budget pressures related to demography and demand and unit cost (care staff wage (National Living Wage) increases for example and the increasingly competitive labour market with almost full employment;
- there were particular pressures in regard to working age adults with disabilities (including autism) and from transition from children to adults with complex and high acuity needs;

- the 'Proud to Care' initiative to help address recruitment of care and health staff across all sectors;
- the strategic objective of promotion of independence of clients across all placements of which the housing strategy was an example;
- the implications for work force planning and recruitment arising from 'Brexit' remained uncertain;
- the Improved Better Care Fund (iBCF) allocation of £8.6m millions on which more information was requested in regard to a detailed breakdown noting that £3.6 millions was derived from the former Winter Pressures grant and the remainder for other services; and at this time, it was not known whether iBCF funding would continue in future years;
- more information was requested about the budget line relating to House Day opportunities;
- the expected publication of the Green Paper on Adult Social Care Funding remained outstanding and should provide clarity about future funding; and
- other uncertainties remained in regard to the final settlement and collection rates from the District/Borough councils for example.

It was **MOVED** by Councillor P Sanders, **SECONDED** by Councillor C Wright, and

RESOLVED that the Budget 2020/21, provisional financial settlement and its impact on spending targets and on the proposed Adult Care and Health Services and Public Health budgets for 2020/21 and the issues and/or observations set out above be noted and the Cabinet meeting on 14th February 2020 be requested to:

(a) welcome and support:

- (i) the 10% increase to the Adult Care and Health budget this year in recognition of the sustained increase in demand; and
- (ii) thank the Officers for their endeavours in the effective running of the service.

(b) record concern and ask (the Cabinet):

- (i) to satisfy itself that based on the provisional nature of the Public Health settlement that sufficient funds are in place to ameliorate any shortfall in funding and that the budget savings across the Health and Adult Care budget are achievable;
- (ii) to call for financial consideration to support the Prevention work made possible through significant partnership arrangements with and between Districts, the third and voluntary sector and the NHS;
- (iii) ask for greater clarity over the breakdown of figures in the budget papers, for example, opportunities from the Better Care Fund showing the support given to the third sector; and
- (iv) to put pressure on Central Government to:
 - (A) overhaul the budget setting process for Local Authorities, and move to four-year finance settlements to support financial certainty and longer-term planning;
 - (B) give clarity over settlement figures as soon as possible and in future as far in advance as possible to enable effective service planning;
 - (C) appreciate the insufficient funding to cover prevention and early intervention in substance misuse, particularly alcohol, and specifically ask that in the event there is additional funding in the settlement this be dedicated to prevention work with substance misuse, particularly alcohol;

Agenda Item 8c

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
23/01/20

(D) increase the Public Health Grant to enable a return to a focus on prevention, and

(E) account on promises and make it aware of the impact of policies namely:

(1) adequately resourcing additional responsibilities that may arise from the Prevention White Paper; and

(2) recording concern about the proposed points-based immigration system impact upon recruitment in Health and Adult Care;

(F) publish, without further delay, the Green Paper on Adult Social Care.

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

The Meeting started at 10.30 am and finished at 12.10 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

28 January 2020

Present:-

Councillors A Dewhirst (Chair), P Colthorpe, Y Atkinson, K Ball, P Crabb, A Eastman, R Edgell, I Hall, J Hook, R Radford, M Shaw, C Slade and C Whitton

Apologies:-

Councillors J Berry, R Bloxham and J Brook

Members attending in accordance with Standing Order 25

Councillors R Croad, A Davis, R Gilbert, J Hart, S Randall-Johnson S Aves

* **163** **Minutes**

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

* **164** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **165** **Public Participation**

There were no oral representations from members of the Public.

* **166** **Budget 2020/21 and Capital Programme for 2020/21 to 2024/25**

The Committee welcomed the proposed budget for the 2020/21 financial year being scrutinised by individual Scrutiny Committees.

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

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

The Committee then considered the joint report of the County Treasurer, the Chief Executive, the Head of Public Health, Environment and Prosperity and the Head of Highways, Infrastructure Development and Waste (CT/20/04) on the 2020/21 Budget which included sections on the Provisional Local Government Finance Settlement made by Government and the budget targets set by the Cabinet for each service area which included inflation,

Agenda Item 8d

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE 28/01/20

commitments and savings. The Report also detailed the proposed medium-term capital programme for the Corporate Infrastructure and Regulatory Services and how it was funded.

The Cabinet, at its meeting of 11th December 2019, had set Revenue Budget targets for 2020/21 which totalled £529.974 millions. 2019/20 had been the last year of the four-year Local Government Financial Settlement and 2020/21 was hoped to be the first year of a new multi-year settlement that would contain the outcome of the Fairer Funding Review, the Business Rates reset and 75% or 100% Business Rates Retention, but this had not happened. In September, the Chancellor announced a one-year Spending Round (badged as a 'Roll-forward' for Local Government) but it did contain some proposals for additional funding including the SR19 Social Care Support Grant, Schools funding and SEND High Needs Block. The Fairer Funding Review along with both the Business Rates reset and Retention plans were delayed until at least 2021/22.

On the 20th December, the Secretary of State for the Ministry for Housing, Communities and Local Government, The Rt. Hon. Robert Jenrick MP, made a written statement to Parliament on the Provisional Local Government Finance Settlement 2020/21. This was as expected and gave an opportunity to increase the Spending Targets that were previously set. The settlement was for one year only. The targets were revisited by the Cabinet on 15th January 2020.

In relation to Council Tax, the referendum limit was 2% with social care authorities allowed a 2% social care precept. The three elements of the Business Rates Retention system (Baseline Need, NNDR Baseline and Tariff/Top Up amounts) had all increased by 1.63%, in line with the September 2019 CPI inflation figure. The Revenue Support Grant had increased in line with the Business Rates Retention system (+1.63%) and in relation to the Social Care Support Grant and Improved Better Care Fund, the provisional settlement confirmed the previously proposed national amounts and allocation methodologies. The national allocation of £81m and methodology for distribution of the Rural Services Delivery Grant remained unchanged from 2019/20 and there were no new business rates pilots for 2020/21.

The increased Revenue Spending Targets for 2020/21 now totalled £541.2 millions which represented an increase of £11.3 millions on the December Targets and an increase of £43.1 millions or 8.7% on 2019/20.

The target budget for Adult Care & Health had increased by £7.7 millions, for Children's Services an increase of £2.5 million. The increased Targets also included £60,000 for additional legal support within Corporate Services and £1 million within Highways, Infrastructure and Waste to help with drainage issues on the Highway network.

The target budget for Adult Care & Health was £260.258 millions, a net change of £23.714 millions or 10.0%. For Children's Services, this was £146.845 millions, the net change being £11,538 millions (8.5%). Community Health, Environment & Prosperity was £39.713 millions, with the net change of £925,000 or 2.4%. For Corporate Services £37.160 millions, a net increase of £2.479 millions (7.1%) and in relation to Highways, Infrastructure Development & Waste £57.508 millions, an increase of £2.790 millions (5.1%).

Although the final settlement would not be received until late January or February, the risk of the figures being very different was low.

The Committee were reminded that its consideration of the draft Corporate Infrastructure and Regulatory Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet on 14th February 2020 formulating a budget for consideration by the County Council on 20th February 2020.

The Chief Executive, County Treasurer and Head of Services commented on the likely implications of the 2020/21 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE
28/01/20

the Council and providing sustainable support services against the increasing demands of front-line services and operational demands.

The Leadership Group commentary in the Report referred to politicians continuing to fight Devon's corner, to get the voice of residents heard at a national level as fairer funding was strived for Devon, the south west and the local government community. The Council was also doing everything it could to respond to the outcomes and ensure communities and businesses were supported and continued to thrive, and to make the most of any opportunities presented by Brexit.

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

The Communities, Public Health, Environment and Prosperity Services base budget was £39.713 millions (an increase of 2.4% from 2019/20) and included inflation and pressures of £1.075 millions and required savings of £150,000.

The Corporate Services base budget was £37.160 millions (an increase of 7.1% from 2019/20) and included inflation and pressures of £4.340 millions and required savings of £170,000.

The Highways, Infrastructure Development and Waste Services base budget was £57,508 millions (an increase of 5.1% from 2019/20) and included inflation and pressures of £3.740 millions and required savings of £950,000.

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

The Report before the Committee referred to the Budget 2020/21 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available [here](#)) for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments were a dynamic process and that individual assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

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

Communities, Public Health, Environment and Prosperity

- the Devon Rape Crisis was no longer grant funded and had been incorporated into the Council's core commissioning;
- successful bid funding had been received from Government to fund Places of Safety across the County;
- a review of the Post 16 transitions contract had realised savings of £50,000;
- complaints and service requests in Trading Standards had reduced - which was a national trend
- that Government should be asked to make funds available for Climate Change work; a Citizens' Assembly was in the process of being set up to look this;

Agenda Item 8d

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE 28/01/20

- that Cabinet should be asked for further funding for Libraries;
- the Public Health grant from the Department of Health remained ring fenced, and had not yet been confirmed for 2020/21;
- that Government should be lobbied for fair funding and funding made available for Prevention work; and
- clarification that the North Devon Areas of Outstanding Natural Beauty was an internal organisation within Planning and Transportation, thus not listed under external grants, and received a contribution of £14,000.

Corporate Services

- £804,000 had been allocated for the Council's digital roadmap to enable further refinement of service delivery models;
- increased demands for legal support in respect of childcare and safeguarding adults;
- £60,000 had also been allocated for a legal case management system, which was critical for efficient delivery of the legal service; and
- an increase of £309,000 for the Doing What Matters work, which was supported by the Organisational Development team.

Highways, Infrastructure Development and Waste

- the £750,000 reduction in the waste disposal budget reflected a reduction in waste tonnage and an increase in recycling, a trend which was expected to continue during 2020/21;
- cost pressures continued for Highways from contractual inflation and an increase in required reactive works following sustained heavy rainfall in recent years; and
- an additional £1m had been allocated to alleviate drainage issues on the road network; and
- rollout of the lower energy LED lighting was continuing and was providing lower energy costs.

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

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

Welcome and support

- (a) record thanks to the Finance team for prudent financial management and the composition of the budget book;
- (b) record thanks to the endeavours of the Officers of the Council across all service areas;
- (c) the increases to budgets considering the demand-led services and additional pressures on the budget. However, Scrutiny does recognise the pressures resulting from the national living wage and inflation;

| | |
|--|------|
| Children's | 8.5% |
| Adults | 10% |
| Communities, Public Health, Environment and Prosperity | 2.4% |
| Corporate Services | 7.1% |
| Highways Infrastructure, Development and Waste | 5.1% |

Record Concern

- (d) that the budgets prepared based on Cabinet's approved targets are sufficient to meet the demands placed on those services and that the apportionment of resources between the various services is appropriate and proportionate. Most notably:
 - (i) the realism of achieving the £1.1million savings in Children's Services notwithstanding the edge of care work coming to fruition;
 - (ii) that based on the provisional nature of the Public Health Settlement that sufficient funds are in place to ameliorate any shortfall in funding;
 - (iii) that the budget savings across the Health and Adult Care budget are achievable;
- (e) ask for greater clarity over the breakdown of figures in the budget papers, for example, opportunities from the Better Care Fund showing the support given to the third sector;

Cabinet be asked to

- (f) consider additional funds for the following:
 - (i) investment in the Children's Services workforce designed to curb the spend in agency cost;
 - (ii) further investment in early help for SEND;
 - (iii) the Prevention work as part of the STP made possible through significant partnership arrangements with and between Districts, the third and voluntary sector and the NHS including financial support to support and develop local community groups and charities;
- (g) ask Central Government to overhaul the budget setting process for Local Authorities including:
 - (i) move to four-year finance settlements to support financial certainty and longer-term planning
 - (ii) giving clarity over settlement figures as soon as possible and in future as far in advance as possible to enable effective service planning;
- (h) lobby Central Government and Public Health England to increase the Public Health Grant, recognising the insufficient funding for prevention work for the determinants of adverse childhood trauma and mental health and reiterating that investing in prevention will reduce spend by the NHS, DCC and Statutory Services upon treatment;
- (i) in the event there is additional funding in the Public Health Grant Settlement this be dedicated to Prevention work with substance misuse, particularly alcohol and mental health;
- (j) write to the Secretary of State for Education requesting fair funding for schools; drawing attention to:
 - (i) the insufficiency of High Needs Block Funding to meet the needs of children with SEND in Devon. The Committee requests that the funding formula is no longer based on outdated census data applied to meet current needs, and also takes account of complete pay and pension funding for non-teaching school staff;
 - (ii) funding for small rural schools which are particularly prevalent in Devon;
- (k) to hold Central Government to account on promises and make it aware of the impact of policies, namely:

Agenda Item 8d

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/01/20

- (i) adequately resourcing additional responsibilities that may arise from the Prevention White Paper;
 - (ii) recording concern about recruitment in Health and Adult Care following from the proposed points-based immigration system and from leaving the EU;
 - (iii) call for the swift publication of the Green Paper on Adult Social Care; and
- (l) use the conclusions from the Climate Change Citizens' Assembly, when available, to lobby Central Government to provide more significant funds for local Green measures possibly including public transport and cycling infrastructure.

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

The Meeting started at 10.30 am and finished at 1.50 pm

PAY POLICY STATEMENT 2020/21

Report of the County Solicitor, Chief Officer for Legal, Human Resources and Communications & Head of Human Resources

Recommendation: that the Committee:

- (a) Endorse the proposed amendments to the Pay Policy Statement and commend the revised Statement for 2020/21 to the Council
- (b) Note the leadership roles and salary rates, are unchanged, but may be impacted by any national pay award.

1. Introduction

- 1.1. The Pay Policy Statement, required under the Localism Act 2011, forms part of the Constitution of Devon County Council. It is a statutory requirement of the Pay Policy Statement that the Statement should be reviewed annually.
- 1.2. The Pay Policy Statement specifies that salaries for Chief Officers and Heads of Service on Leadership Grades are fixed for the duration of the Policy and are to be reviewed annually by the Appointments, Remuneration and Chief Officer Conduct Committee.

2. Proposals

- 2.1. The draft Pay Policy Statement (**Appendix 1**) continues to reflect the Government's proposal to implement various pieces of legislation to restrict exit payments for public sector workers. The implementation date is still to be confirmed. The proposals include:
 - 2.1□.1□.1. A £95,000 Exit Payments Cap, covering all types of exit payment including those for voluntary and compulsory redundancy and other severance payments as well as employer funded contributions to access a pension early;
 - 2.1□.1□.2. The Public-Sector Exit Payment Recovery Regulations, which propose the recovery of public sector exit payments where high earners (over £80,000 per annum) return to any part of the public sector within 12 months of receiving such a payment and;
 - 2.1□.1□.3. The Further Reforms to Public Sector Exit Payments, which propose changes to limit the amount of redundancy compensation payments and limiting the amount of employer funded top-ups for early retirement across the various public sector compensation schemes.
- 2.2. The draft Pay Policy Statement also continues to reflect a potential future review of terms and conditions and the Authority's wider reward strategy, particularly bearing in mind the pay and grading implications of the National Living Wage, and other issues

Agenda Item 9

such as recruitment and retention and the changing nature of work and roles within the Authority.

- 2.3. As a result of the 2018 and 2019 NJC pay award, the new spinal column points have been assimilated into our existing pay and grading structure with effect from April 2019.
- 2.4. The Trade Unions have submitted a pay claim for 2020/21 to the national employers and further development is awaited.
- 2.5. **Appendix 2** sets out the current senior management roles and salary levels. No changes are proposed to the salary levels.

3. Financial and Other Implications

- 3.1. The proposed implementation of the various exit payments legislation, any national pay awards, and the change to the Authority's wider reward strategy will have a financial impact, but the exact details are not known at this stage.
- 3.2. This report and the accompanying statements have no specific equality, sustainability, legal, financial or public health implications that are not already covered by or subsumed within the detailed policies or requirements referred to therein.

4. Conclusion

- 4.1. It is recommended that the Appointments, Remuneration and Chief Officer Conduct Committee consider the proposals, make recommendations and endorse any proposed variations for submission to the County Council for ratification on 20th February 2020 and amendment of the Constitution accordingly in line with statutory requirements.

**Jan Shadbolt, County Solicitor, Chief Officer for Legal, Human Resources &
Communications**
Jacky Wilson, Head of Human Resources

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for enquiries: Jacky Wilson, Head of HR
Telephone: 01392 383000 Room 155A

| <u>Background Paper</u> | <u>Date</u> | <u>File Reference</u> |
|-------------------------|-------------|-----------------------|
|-------------------------|-------------|-----------------------|

Pay Policy Statement (April 2020 - March 2021)

1. Introduction

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

2. Officers (including Lowest Paid Employees)

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

3. Senior Officers

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

Agenda Item 9

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

4. Chief Officers and Heads of Service

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

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

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

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

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

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

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

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

4.7. The County Solicitor, **Chief Officer for Legal, Human Resources and Communications** **is also** the County Returning Officer and Returning Officer fees paid are in line with the guidance stipulated from the Ministry of Justice for the relevant elections.

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

5. Terms and Conditions for all employees

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

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

- 6.1. Senior Officers and Chief Officers/Heads of Service receive no special enhancements to benefits or terms and conditions.
- 6.2. The Hutton Review recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 20:1. The County Council has adopted this recommendation. It is the Council's policy that this ratio will not exceed 20:1 and it will be reviewed annually by the Appointments, **and Remuneration and Chief Officer Conduct** Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is **9.1¹**, based on the lowest paid post being at spinal column point **61**.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is **8:1²**

¹ The 2019/20 reported Pay Policy Statement ratio was 9.1

² 2019/20 Pay Policy Statement ratio was 8.1.

Agenda Item 9

6.5. The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 4.1³.

7. Director of Public Health

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

³ 2019/20 Pay Policy Statement ratio was 4.1.

Leadership Grades

| | | |
|--|----------|---|
| L9 | £49,222 | Senior management roles |
| L8 | £55,299 | |
| L7 | £61,593 | |
| L6 | £67,867 | |
| L5 | £81,191 | |
| L3 | £102,841 | Chief Officer for Highways, Infrastructure, Development and Waste Head of Children's Social Care* Head of Education and Learning Head of Adult Commissioning and Health Head of Adult Care Operations and Health Head of Economy, Enterprise and Skills Head of Planning, Transportation and Environment Head of Digital Transformation and Business Support |
| L2 | £111,437 | County Treasurer County Solicitor |
| L1 | £137,965 | Chief Officer for Adult Social Care and Health Chief Officer for Children's Services |
| L0 | £167,132 | Chief Executive |
| <p>In addition to the heads of service and chief officers above, the Council employs the Chief Officer for Communities, Public Health, Environment and Prosperity on NHS pay rates, on a current salary of £107,143 plus allowances.</p> <p>*plus, market supplement.</p> <p>The rates of pay reflect the 2% pay award for 2019 which was agreed nationally as part of the 2 year 2018/20 JNC Agreement and took effect from 1st April 2019. Any national pay award for 2020/21 would impact on the above, but is yet to be agreed.</p> | | |

APPEALS COMMITTEE

6 January 2020

Present:-

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

Apologies:-

Councillor P Twiss

* **161** **Minutes**

RESOLVED that the minutes of the meeting held on 2 December 2019 be signed as a correct record.

* **162** **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.

* **163** **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.

* **164** **School Transport Appeals**

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

(a) The Committee considered a report from the Chief Officer for Children's Services on appeals and written submissions from the appellant(s) as follows:-

ST 152 – Meddon, Bideford - Atlantic Academy.

RESOLVED that appeal ST 152 be deferred for members' route inspection;

(b) **RESOLVED** that appeal ST 151 be deferred at the request of the appellant.

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

The Meeting started at 9.45 am and finished at 10.15 am

PROCEDURES COMMITTEE

4 February 2020

Present:-

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

Apologies:-

Councillors N Way

* 80

Minutes

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

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

* 81

Items requiring urgent attention

There was no item raised as a matter of urgency.

82

Report of the Independent Remuneration Panel - Members Allowances

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2020. The Chair of the Panel presented their Annual Report, highlighting specifically that the conclusions and recommendations made had been based on sound evidence, that the Panel felt it was better to raise allowances incrementally, and that they had given consideration to the issues asked of them such as the parental leave policy and the London overnight allowance.

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

The Panel had nonetheless recommended a small number of amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration should be given by the County Council to the uprating of basic and special responsibility allowances, as set out in Appendix 2 of its Report.

The Committee also considered the proposed parental leave policy. The Committee ([Minute 60](#) of 17th April 2019 refers) had considered a factual briefing note provided by the County Solicitor (CSO/19/10) which was in response to a Notice of Motion on Parental Leave Policies which had been previously submitted to the Council on 21 February 2019. The Procedures Committee at that meeting had endorsed the proposal of a parental leave policy for Members of the Council as a means of supporting those with caring and parental responsibilities and to encourage more individuals from a range of backgrounds to stand for election. It therefore asked the Independent Allowances Panel to formulate a scheme, with reference to both the model policy submitted as part of the Motion (prepared by the LGA Labour Women's Task Force) and also the model scheme recently circulated by the Chair of the Conservative Party, taking account of any best practice in other Local Authorities.

Agenda Item 11b

PROCEDURES COMMITTEE
4/02/20

The Panel had submitted their draft Policy as part of their 2020 Independent Report and commended their policy to the Council which, if implemented, would contribute towards increasing the diversity of experience, age and background of Elected Members as well as retaining experienced, and particularly female, Councillors, making public office more accessible.

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

RESOLVED

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

(b) that the Committee notes the Report's conclusions and asks the County Council to accept the recommendations outlined below.

- i. the basic structure of the current scheme is endorsed and retained;
- ii. from May 2020, the Basic Allowance is increased by the NJC Staff Pay Award (still being negotiated at the time of this meeting) up to 3% as outlined in Appendix 2 (which shows the revised rates based on 2%, 2.5% or 3%) and that it be backdated to May 2020 should there be a delay in the award being agreed and the SRA multipliers be recalculated accordingly;
- iii. that the overnight rate for London be increased to £150.90, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London, but in the absence of a suitable benchmark for an overnight rate for accommodation in London, the Council be asked to amend its scheme to permit a more flexible approach with accommodation being booked in line with obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services;
- iv. that the Committee and the Council welcome and adopt the proposed policy on Maternity, Paternity, Shared Parental and Adoption Leave, outlined at Appendix 1 of the Report, subject to amending paragraph 4.5 as follows;

Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post if possible.

- v. careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
- vi. the sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case; and
- vii. that the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues.

83 **Appointment Process for Director of Public Health and Coroner - Terms of Reference for Appointments, Remuneration and Chief Officer Conduct Committee**

The Committee noted that appointments to the post of Director of Public Health were jointly made between the Local Authority and Secretary of State and had to comply with the statutory guidance.

This meant that the appointment process had to be done in a different manner to that of other Chief Officers and Heads of Service. Whilst the appointment process would still need to involve representatives from the Appointments, Remuneration and Chief Officer Conduct Committee, the terms of reference for that Committee would need to be amended to reflect this approach.

The Committee further noted that the proposals for the recruitment and employment terms of the new Director of Public Health had been submitted to the Appointments, Remuneration and Chief Officer Conduct Committee on 4 February and a copy of the Report could be found at <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=201&MId=3445&Ver=4>.

The Local Authority was also responsible for appointing the Coroner, so the terms of reference for the Appointments, Remuneration and Chief Officer Conduct Committee also reflected this requirement as well as the associated legislation and guidance.

A copy of the proposed changes had been circulated as part of the agenda for the attention of the Committee.

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

RESOLVED that the proposed changes to the terms of reference for the Appointments, Remuneration and Chief Officer Conduct Committee to accommodate the legislative requirements of the appointment process for the Director of Public Health and the Coroner be endorsed and commended to the Council.

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

The Meeting started at 10.30 am and finished at 10.53 am

Agenda Item 11b

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

4 February 2020

Present:-

Councillors J Hart (Chair), R Hannaford, J McInnes and R Croad

Apologies:-

Councillors A Connett

* **53** **Minutes**

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

RESOLVED that the minutes of the meeting held on 15 February 2019 be signed as a correct record.

* **54** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

55 **Pay Policy Statement 2020/2021**

The Committee considered the Joint Report of the County Solicitor, Chief Officer for Legal, Human Resources and Communications and the Head of Human Resources outlining the proposed and revised pay Policy Statement for 2020/2021, and consequential amendments to the Chief Officer Employment Procedure Rules and Disciplinary Policy, for ratification by the County Council.

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

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

- a £95,000 Exit Payments Cap, covering all types of exit payment;
- the Public-Sector Exit Payment Recovery Regulations, which proposed the recovery of public sector exit payments where high earners (over £80,000 per annum) returned to any part of the public sector within 12 months of receiving such a payment and;
- the further reforms to Public Sector Exit Payments, which proposed changes to limit the amount of redundancy compensation payments and employer funded top-ups for early retirement across the various public sector compensation schemes.

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

Agenda Item 11c

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE 4/02/20

The Trade Unions had submitted a pay claim for 2020/21 to the national employers and further development was awaited.

Appendix 2 of the Report set out the current senior management roles and salary levels and no changes were proposed to salary levels.

Members discussed and asked questions on the range of other public sector pay awards, the cost to the Authority of wage rises and that the Council were part of the national pay bargaining process.

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

RESOLVED

(a) that the proposed amendments to the Pay Policy Statement be endorsed and the revised Statement for 2020/21 be commended to the Council; and

(b) that it be noted that the leadership roles and salary rates, are unchanged, but may be impacted by any national pay award.

56

Proposal for Appointment of a New Director of Public Health and Temporary Changes to the County Council's Leadership Arrangements

The Committee considered the Report of the Chief Executive outlining the proposed process for the appointment of a new Director of Public Health and temporary changes to the County Council's Leadership Arrangements.

The Committee noted that the current Director of Public Health was due to retire in September 2020 and the role was currently encompassed within the role of Chief Officer for Communities, Public Health, Environment and Prosperity. It also highlighted the statutory requirements when making an appointment to the role of Director of Public Health including that it was a joint appointment between the Secretary of State and the Local Authority.

The proposal was that a permanent appointment be made for the Director of Public Health. The Director would be accountable to the Chief Executive and continue to be a member of Leadership Group.

With the County Council Elections taking place in May 2021, the Chief Executive proposed that interim leadership arrangements, to be shared with the Committee in due course, would be put in place for the wider portfolio of services that currently fell under Virginia Pearson's Chief Officer role, following the appointment of a new Director of Public Health to take effect from September 2020.

In relation to the appointment process for a Director of Public Health, the Faculty Guidance suggested that the appointment panel was chaired by a lay member such as an Elected Member, but the Panel was also required to consist of the Chief Executive (or their representative), Public Health England regional director (or other senior professionally qualified member of PHE acting on their behalf), Faculty of Public Health Assessor and Senior NHS representation.

The recruitment process must provide assurance of the technical expertise, knowledge and skills required by the Faculty of Public Health and also to demonstrate the leadership behaviours identified by the County Council.

The Committee finally noted that strong candidates for Director of Public Health roles were in short supply across the country, with many employers advertising multiple times and using market supplements to match NHS salaries. It was imperative that the Council attracted

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE 4/02/20

strong candidates therefore offered a competitive reward package such as a salary in line with an NHS salary for the role plus similar terms and conditions, including pension provision.

It was suggested a population supplement of £10,000 was added to recognise the size of Devon's population, giving a salary of £99,537 - £113,860 and that if the successful candidate was currently on NHS terms and conditions these would be matched where appropriate, including maintenance of any NHS pension membership.

The Committee noted that the proposals would not result in additional costs for the Director of Public Health.

Members commented on the importance of 'communities' work, the continued decrease in the Public Health grant and that the full complement of Members on the Appointments, Remuneration and Chief Officer Conduct Committee be part of the recruitment process when this takes place.

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

RESOLVED

(a) that the resultant changes for the role of the Director of Public Health be noted and endorsed;

(b) that the revised appointment process for the Director of Public Health to ensure that the Council complies with the Facility of Public Health requirements for the appointment of a new Director of Public Health also be endorsed; and

(c) that the recommendations for the interim leadership arrangements for Communities, Public Health, Environment and Prosperity (COPHEP) pending County Council Elections in May 2021 be noted.

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

The Meeting started at 11.30 am and finished at 11.59 am

Agenda Item 11c

CHILDREN'S SCRUTINY COMMITTEE

20 January 2020

Present:-

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

Apologies:-

Councillors M Squires, A Connett and Mrs C Mabin

Members attending in accordance with Standing Order 25

Councillor J McInnes

* **154** Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* **155** Public Participation

There were no oral representations from members of the public.

* **156** Scrutiny Committee Work Programme

RESOLVED that the following be added to the Work Programme:

- Readiness for School (speech/language development, toilet training) – SOG agenda.

* **157** Eclipse Implementation

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

The Committee received the Report of the Head of Commissioning Children's Services (CS/20/03) on the implementation of the new Eclipse case management system, which went live in January 2019 following the Council entering into a developmental partnership with OLM to design and implement the new system.

A Mobilisation Board was set up in June 2019 between the Council and OLM to support the joint working, which had managed the prioritisation of key development areas and issues that needed to be resolved following data migration.

It was reported that with good progress having been made in resolving complex issues during the autumn of 2019, it was expected to be in a 'business as usual' position by March 2020, with a review of the implementation of Eclipse in summer 2020 and lessons learnt shared.

Members' discussions points with Officers included:

- lessons having been learned, additional resources had now been added and staff training extended out to localities;
- work was continuing on a set standard for compatible Court form templates;
- additional hot desking hubs had now been made available and that all staff should be aware of the mobile functionality of Eclipse;

Agenda Item 11d

CHILDREN'S SCRUTINY COMMITTEE
20/01/20

- that visits to social work offices would be arranged for Members after March 2020, when the system would be fully operational, with a report to Committee thereafter.

* 158 **Special Guardianship Task Group recommendations - progress update**

The Committee received the Report of the Head of Children's Social Care (CS/20/04) and noted the progress against the recommendations made by the Special Guardianship Order Task Group, as agreed by the Committee on 10 June 2019.

The Report highlighted that there continued to be a lot of attention paid to Special Guardians at both local and national level and an increasing awareness of the importance that Special Guardians play.

Discussion points with Members and Officers included:

- the Cabinet Member for Children's Services had raised nationally the issues highlighted by the Task Group through his capacity as Chair of the F40 Group;
- training courses with Special Guardians had been piloted and would now be provided regularly, with delivery on a geographical basis – feedback received from Special Guardians on this had been positive;
- there were regular support group meetings for Special Guardians, and it may be possible for some Members to attend one of these meetings;
- the monitoring of legal advice costs, which were an increasing pressure on the budget, due to legal aid not currently being available for Special Guardians; and
- there would be two trained Special Guardian Peer Guides working in each area.

An update would be provided to a future Committee meeting.

* 159 **Children's Contracts - progress review**

The Committee received the Report of the Clinical Commissioning Group (CCG) Head of Commissioning for Women and Children (CS/20/01), which provided an update on the progress of Children and Family Health Devon in the delivery of their new contract, setting out the background to the contract; the Commissioner Assurance Processes; and Provider Progress.

The Report concluded that following a significant change in provider arrangements for the majority of Devon, good progress was being made, albeit slower than originally anticipated. Relationships between providers and commissioners were strong but appropriately robust in terms of challenge, performance and expected service improvement. The health wellbeing and safety of children was known and continually monitored by the provider.

Members' discussion points with Officers included:

- Contract clarity – it was a 0-18 contract covering community services in occupational therapy; speech and language therapy; physio; specialist school nursing; learning disability, autism and CAMHS;
- CAMHS was currently a challenging environment and national funding was being utilised at local level to expand the CAMHS workforce, with pilot teams going into school settings – currently in the Eastern area and Torbay – to be rolled out across Devon later this year;
- funding had been secured for training and support of a new workforce to work with children and young people at an earlier age;
- referrals to CAMHS were triaged on a daily basis and a written response sent within a 24-hour target timeframe;
- Members raised concern at the waiting times for CAMHS referrals across the County;
- Focus groups were working around delivery of Early Help for Mental Health services, which would be supported by successful bid funding; and

- the Children and Family Health Devon website ([here](#)) provided further information on specific services, including referrals, which anyone was able to access.

* **160** **Education, Health & Care Plan (EHCP) Task Group recommendations - progress update**

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

The Committee received the Report of the Head of Education and Learning (CS/2002) noting the progress against three of the recommendations made by the Education, Health and Care Plan Task Group, presented to the Committee on 10 June 2019. The other Task Group recommendations were included within the Written Statement of Action which was presented to the Committee on a quarterly basis.

Discussion points with Members and Officers included:

- the number of pupils with EHCPs was continuing to grow and with the shortfall in funding, put greater pressure on teams – this was a national issue;
- the most significant areas of growth were in post-16 children and the Early Years;
- there was a nationally set threshold for assessment at six weeks;
- quality assurance checks and monitoring now took place on a regular basis, using learning to improve plans going forward;
- Module training had been rolled out this week for all new and existing staff to take up;
- EHCPs were formally reviewed every 12 months with any significant amendments to a plan being made then (although smaller tweaks could be made before the review);
- SENDCO briefing forums were completely voluntary; had been well received with high attendance; feedback was taken back to partner schools and newsletters circulated; and
- that both maintained and independent special schools were at present managing to recruit and retain high quality support staff.

An update would be provided to a future Committee meeting.

* **161** **Children's Standing Overview Group**

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

Future suggested items for SOG included:

- Visit to MASH teams
- Public Nursing recruitment – look at in 6 months' time.

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

The Meeting started at 2.15 pm and finished at 3.55 pm

Agenda Item 11d

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

24 January 2019

Present:-

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

Devon District Councils:-

Councillor P Bialyk

Apologies:-

Councillors P Crabb and A Connett

Member attending in accordance with Standing Order 25

Councillor A Leadbetter

* **103** **Minutes**

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

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

There was no item raised as a matter of urgency.

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

There were no oral representations from members of the public.

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

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

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

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

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

Agenda Item 11e

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
24/01/19

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

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

RESOLVED

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

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

* 107

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

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

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

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

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

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

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

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

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

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

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

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

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

* **109 Improving Access to General Practice**

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

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

Members' discussion points with the representatives included

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

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

Agenda Item 11e

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
24/01/19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

https://devoncc.sharepoint.com/:b:/s/PublicDocs/PublicHealth/EW4a_QNNT51HrvTS6henmGIB2dF1UtjnO-g2Cb26tvXjkA?e=dblsih

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

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

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

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

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

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

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

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

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

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

Agenda Item 11e

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
24/01/19

* **115** **Work Programme**

The Committee noted the current Work Programme and

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

(a) Suicide Strategy (for consideration by the Standing Overview Group, prior to any agreement to undertake a Spotlight Review);

(b) Rapid Response Service – update in June;

(c) Carers – Spotlight Review, subject to the availability of performance data; and

(d) Visits to Health and Adult Social Care settings.

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

* **116** **Information Previously Circulated**

The Committee noted the list of information previously circulated for Members, since the last meeting, which related to topical developments which have been or are currently being considered by this Scrutiny Committee:

(a) Update by the NEW Devon CCG on the proposed merger of NEW Devon CCG and South Devon and Torbay CCG.

(b) Health & Care Insights from Torbay and South Devon NHS Foundation Trust.

(c) Information on the completion of essential building work at Tavistock Hospital.

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

The Meeting started at 2.15 pm and finished at 5.55 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

28 January 2020

Present:-

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

Apologies:-

Councillors J Berry, R Bloxham and C Slade

Members attending in accordance with Standing Order 25

Councillor B Parsons

* **167** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **168** **Public Participation**

There were no oral representations from members of the public.

* **169** **Scrutiny Work Programme**

The Head of Scrutiny updated Members as to the Work Programme and requested that Members who wished to be a part of the 5G Spotlight Review should contact her directly.

* **170** **Devon & Somerset Fire and Rescue Service (the Fire Service)**

(Chief Fire Officer Lee Howell and Deputy Chief Fire Officer Glenn Askew from the Fire Service attended at the invitation of the Committee.)

The Committee received an extract of the Report of the Chief Fire Officer from the Fire Service Agenda dated 10 January 2020, which set out the outcomes of the Safer Together Programme Service Delivery public consultation following the Fire Service's proposals for closing or removing a number of low risk/low activity fire stations and appliances and reinvesting the savings into prevention work in the community. The public consultation ran from 1 July 2019 to 20 September 2019.

Discussion points with Members and Officers included:

- Budleigh Salterton fire station would close with existing firefighters responding instead from Exmouth;
- Topsham fire station would close and appliances and firefighters relocated to Clyst St George and Middlemoor.
- some vehicles could now operate with less than four crew members, which meant that some places that were earmarked for closure could operate differently;
- 'aggregate crewing' was a new concept, where crews joined together to form a single crew, boosting availability of appliances, and was proving successful;

Agenda Item 11f

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/01/20

- there was a new On-call duty system that paid for staff availability, enhancing their pay and likely improving retention of staff, receiving an £1.8 million investment;
- the Fire Service's risk management plan would be kept under review; and
- Members welcomed the new community responder role - this was currently a pilot project with the Devon & Cornwall Police which was hoped to be expanded.

The Committee thanked the Chief Fire Officer Lee Howell and Deputy Chief Fire Officer Glenn Askew for their report and attendance and requested that they attend a future Masterclass to keep the Committee updated.

* 171 **Treasury Management and Investment Strategy 2020/21**

The Committee received the Report of the County Treasurer (CT/20/18) on the proposed Treasury Management and Investment Strategy 2020/21 financial year, prepared in accordance with the revised Treasury Management Policy Statement and revised CIPFA Code of Practice for Treasury Management, to be submitted to the Cabinet and the County Council for ratification following consideration by this Committee.

The County Treasurer highlighted in particular the proposal to pay £32 millions into the Pension Fund during April 2020, which represented the total deficit contributions set for the Council for the next three years. In return for making an advance payment of three years' deficit contributions, the Pension Fund would give a 4.5% discount on the payment required, resulting in a saving of £0.5 million in each of the next three years.

The County Treasurer also tabled a comparison paper of the Earmarked Reserves at 31 March 2019 (£millions) for County Councils in England.

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

RESOLVED that the Treasury Management Strategy 2020/21 be endorsed and commended to the Cabinet.

* 172 **A Resilient Economy**

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

The Committee received the report of the Head of Economy, Enterprise and Skills (EES/20/1) which provided a summary of the current state of the Devon economy, highlighting the current structure of the County's economy, trends, opportunities and challenges. The report also set out the direction of travel for the Council's new Strategy for Growth 2020-2030.

Devon's economy currently remained buoyant overall, but there was a continuing need to intervene in a targeted way to help address market failure in some communities and sectors, which the Council's Strategy for Growth aimed to achieve. The Council would continue to monitor the economy, including more vulnerable sectors such as retail and construction, and would work in partnership with other public, private and third sector organisations to help ensure economic growth benefits were shared by the County's residents and businesses, whilst working towards ensuring Devon's businesses and residents were able to share in the opportunities that emerged from growing sectors and trends, locally, nationally and globally.

Discussion points with Members and Officers included:

- the low level of earnings for people working locally in some areas of Devon and the aim to improve Devon's standard of living;
- Petroc College, with its three campuses in North and Mid Devon, was expanding its vocational training; and

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE
28/01/20

- the Careers Hub, which was run on behalf of the Local Enterprise Partnership, had enterprise advisers in schools to help inform curriculum and career choices for young people.

Members welcomed the report and requested that an item on Learn Devon and the Skills Advisory Panel work be brought to a future Scrutiny Committee.

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

RESOLVED that the report be commended to the Cabinet.

* **173** **Highways Dashboard Performance**

The Committee received the report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/1) on the Highways Performance Dashboard, which provided an overview of performance on key seasonal aspects of delivery, namely winter service, cyclical drainage works, carriageway safety defects and civil parking enforcement.

Discussion points with Members and Officers included:

- as of yesterday (27 January), there had been 33 gangs out on the highway network and 5,173 potholes had been repaired;
- the wet weather during the autumn and into December had caused big problems with flooding and drainage this year; and the current adverse weather conditions had meant that many potholes had to be returned to for repair again;
- the 'beat pattern' of civil parking enforcement officers was intelligence-based, where problems had been reported; and
- appendix D to the report showed the monthly breakdown of Penalty Charge Notices issued by community, as opposed to number of visits, and the Chief Officer undertook to explore the availability of the latter.

* **174** **Climate Change Standing Overview Group (SOG)**

The Committee received the report of the Climate Change SOG which met on 6 December 2019 to discuss and comment on the recommendations from the University of Exeter on the development and operation of the Devon Net-Zero Citizens' Assembly, with the final design being decided by the Devon Climate Emergency Response Group.

The Head of Scrutiny explained there would be a robust process for selection to the Citizens' Assembly which would be representative of the wider population.

* **175** **Energy from Waste Visit**

The Committee received the Notes from the Exeter Energy from Waste Unit visit that took place on 27 November 2019.

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

The Meeting started at 2.15 pm and finished at 5.16 pm

Agenda Item 11f