

Phil Norrey  
Chief Executive

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To: The Chair and Members of the  
Procedures Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 30 October 2019  
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

## **PROCEDURES COMMITTEE**

Thursday, 7th November, 2019

A meeting of the Procedures Committee is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY  
Chief Executive

## **A G E N D A**

### **PART I - OPEN COMMITTEE**

- 1 Apologies for absence
- 2 Minutes

Minutes of the meeting held on 17<sup>th</sup> September 2019

- 3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

## **MATTERS FOR DECISION**

- 4 Amendments to Terms of Reference for the Local Enterprise Partnership Joint Scrutiny Committee (Pages 1 - 6)

At its meeting on 17<sup>th</sup> October 2019, the Local Enterprise Partnership Joint Scrutiny Committee considered an [evaluation report](#) on the first twelve months of the committee's operation.

As part of that debate, the Committee RESOLVED

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

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

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

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

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

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

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

## **Recommendation**

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

- 5 Public Questions at Council and Cabinet Meetings (Pages 7 - 10)

The Leader has asked that the Committee and its Members consider the current process for public questions. The current public participation rules are attached.

- 6 Appeals (Transport) Committee (Local Government and Social Care Ombudsman Implications)

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

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

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

This poses a challenge for Devon, as the current Committee is 5 Members, all of whom must undergo regular training.

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

The Committee should also note that the Statutory school transport guidance is brief in relation to appeals and does not refer to re-hearings.

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

#### **MATTERS FOR INFORMATION**


##### 7 Notice of Motions Working Group

Members are asked to note that the first meeting of the working group is scheduled to take place prior to the Procedures Committee on 7 November 2019.

#### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

NIL

*Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

<b>Membership</b>
Councillors J Mathews (Chair), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright
<b>Declaration of Interests</b>
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.
<b>Access to Information</b>
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan 01392 382264. Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
<b>Webcasting, Recording or Reporting of Meetings and Proceedings</b>
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: <a href="http://www.devoncc.public-i.tv/core/">http://www.devoncc.public-i.tv/core/</a>
In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.
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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.
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Please switch off all mobile phones before entering the Committee Room or Council Chamber
<b>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 or email to: <a href="mailto:centre@devon.gov.uk">centre@devon.gov.uk</a> or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</b>
 Induction loop system available

## **NOTES FOR VISITORS**

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**SatNav** – Postcode EX2 4QD

### **Walking and Cycling Facilities**

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### **Access to County Hall and Public Transport Links**

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

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

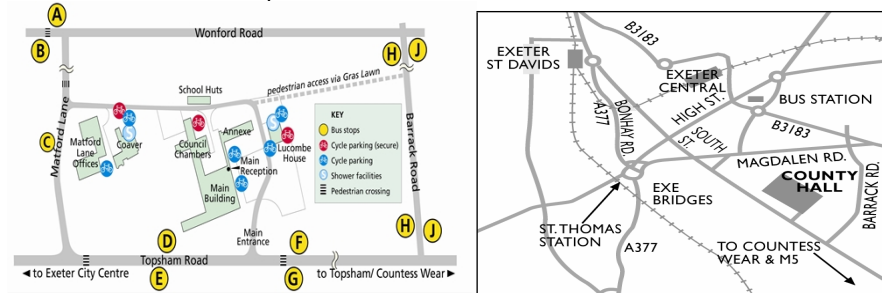
### **Car Sharing**

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### **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

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### **First Aid**

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