

*County Council*  
Thursday, 3rd December, 2020



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## DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

25 November 2020

**Your virtual attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 3rd December, 2020 at 2.15 pm.**

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

Chief Executive

### AGENDA

**1. Introduction and Meetings Processes**

Chair of the Council and Head of Democratic Services to present.

**2. Apologies for Absence**

**3. Minutes**

To approve as a correct record and sign the minutes of the meeting held on 1 October 2020.

**4. Announcements**

**5. Items Requiring Urgent Attention**

**6. Public Participation: Petitions, Questions and Representations**

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

**7. Petitions from Members of the Council**

**8. Questions from Members of the Council**

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

**FRAMEWORK DECISION**

NIL

**OTHER MATTERS**

**9. Cabinet Member Reports**

To consider reports from Cabinet Members.

**10. Minutes**

To receive and approve the Minutes of the under mentioned Committees

**(a) Appointments, Remuneration and Chief Officer Conduct Committee - 12 October and 25 November 2020** (Pages 1 - 2)

The minutes of 25 November will be published [here](#) shortly after the meeting.

**(b) Development Management Committee - 21 October 2020** (Pages 3 - 6)

**(c) Appeals Committee - 2 November 2020** (Pages 7 - 8)

**(d) Standards Committee - 16 November 2020** (Pages 9 - 14)

**(e) Procedures Committee - 17 November 2020** (Pages 15 - 20)

**(f) Audit Committee - 26 November 2020**

The minutes of 26 November will be published [here](#) shortly after the meeting

**(g) Public Rights of way Committee - 26 November 2020**

The minutes of 26 November will be published [here](#) shortly after the meeting.

**(h) Investment and Pension Fund Committee - 27 November 2020**

The minutes of 27 November will be published [here](#) shortly after the meeting.

**(i) Children's Scrutiny Committee - 10 November 2020** (Pages 21 - 30)

**(j) Health and Adult Care Scrutiny Committee - 12 November 2020** (Pages 31 - 40)

**(k) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 19 November 2020**

The minutes of 19 November will be published [here](#) shortly after the meeting.

## BREAK

## NOTICES OF MOTION

### 11. Future Meetings and Commitment to Increased Virtual Meetings (Minute 296 of 23 July 2020)

To receive and consider the recommendations of the Procedures Committee (Minute 97) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Biederman and referred thereto in accordance with Standing Order 8(2), namely:

That Devon County Council make a commitment to holding more virtual meetings, briefings and task groups post Covid-19. They have clearly been very successful, have made a huge saving to the Council in budgetary terms and they also help in the Council's climate emergency aims, by reducing our carbon footprint. Council therefore asks the Procedures Committee to consider a Report on meetings in the future and what Committees, briefings and task groups could meet virtually

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/18) and other suggestions or alternatives considered at that meeting the Procedures Committee subsequently **resolved**:

That Council be asked to;

- (a) note the update Report around the current legislation, the Council's Virtual Meetings and Audio-Visual capabilities and Member meetings which permit remote attendance;
- (b) welcome more flexibility in Local Government in the future which could pave the way for more people standing for Election and a more diverse Council of the future;
- (c) in light of (b) and the benefits achieved over the last few months, write to the Secretary of State for Housing, Communities and Local Government requesting a permanent change to the Legislation to support more flexible working practices in the future for Local Democracy.
- (d) ask officers to consider the most effective medium for holding a meeting in the future, supporting and encouraging remote meetings when it is appropriate to do so;
- (e) support those Members who wish to attend future meetings remotely, with relevant training and provision of necessary equipment; and,
- (f) ask Procedures, at the appropriate time, to undertake a further review of any legislative changes surrounding remote meetings and make any necessary changes to the Constitution and working practices.

## **12. Food Justice (Minute 313 of 1 October 2020)**

To receive and consider the recommendations of the Cabinet (Minute 581a) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Aves and referred thereto in accordance with Standing Order 8(2), namely

### **This Council notes:**

That Trussell Trust research shows three million children in the UK are at risk of hunger during the school holidays.

The Trussell Trust anticipates that ending furlough in October would trigger a rise in foodbank use of at least 61%.

Foodbank use has already dramatically increased. The Independent Food Aid Network recorded a 59% increase in demand for emergency food support between February and March 2020.

The Covid-19 emergency has exposed major health inequalities across the country with children and families suffering disproportionately.

Between March and August 2020 there has already been a 115% increase in Universal Credit claimants nationally and in Devon even greater, 165% for all claimants and 173% for 16-24 year olds.

That Government has committed to the UN Sustainable Development Goals, which have an international and domestic commitment to ending hunger by 2030.

That Government has asked Henry Dimbleby to lead on producing a National Food Strategy.

### **This Council believes:**

No one in the UK should go hungry, not least children.

Food justice is about taking action on the causes of hunger such as affordability and availability of good nutritious food. That the stopping of furlough payments will lead to further unemployment and more food poverty as a result.

Local councils, schools and communities play a key role in supporting those that are experiencing food poverty during the Covid-19 pandemic and that should be recognised.

### **The Council resolves to:**

1. Nominate an existing cabinet member to take on responsibility for Food Justice.

2. Commit to setting up a food partnership to work with district councils and other partners to develop a Food Action Plan.
3. Re-double its efforts to increase Free School Meal sign ups to ensure that all those who are entitled to them or need them, receive them.
4. Encourage Scrutiny to look at the extent of food poverty – map it and understand what is going on across the County.
5. Write in association with Devon MPs, to encourage Government to:
  - a) commit to legislate the existing commitment to the UN Sustainable Development Goals to end hunger by 2030;
  - b) commit funding in the next spending review for the five Sustain policies to protect children's health and increase access to nutritious food that is culturally appropriate, because the National Food Strategy will take a year to be adopted;
  - c) support our local food production and suppliers, our farming and fishing industries in Devon, to protect workers jobs so that our food supplies are sustained throughout the pandemic and any shortages or delays experienced during the EU Brexit;
  - d) increase Universal Credit so people can buy enough food;
  - e) immediately act to help those most affected.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) ask the Leader to nominate an existing Cabinet Member to take on responsibility for Food Insecurity.
- (b) support the creation of a working group within Devon County Council (DCC) to develop further understanding of the Council's role around food supply, resilience and insecurity. This will include, but is not limited to:
  - (i) Consider the development of a Devon Food Partnership using the Sustainable Food Places approach to strengthen food resilience in the county;
  - (ii) The development of a food resilience strategy for Devon County Council
- (c) encourage Scrutiny to look at the extent of food insecurity in Devon.
- (d) continue to work with Devon MPs to encourage Government to:

- (i) Support our local economy, including agriculture.
- (ii) Ensure resilience of our food supply chains.
- (iii) Support food-based initiatives that reduce health inequalities and food insecurity.

**13. Devon Economy and Recovery (Minute 314 of 1 October 2020)**

To receive and consider the recommendations of the Cabinet (Minute 581b) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

The strength of the UK and Devon economy and GDP depends in the major part on the recovery of the service sectors as we are principally a service led economy. Though we also have manufacturing and production industries nationally and in Devon. It is acknowledged that our economy has contracted as a result of the pandemic and the impending Exit from the EU.

The EU has set up a £750bn Euro coronavirus pandemic recovery fund and long-term spending plans to provide grants to kick start Europe's recovery from the pandemic particularly investing in green industry and infrastructure and to target resources to recovery, resilience and transformation.

To date only £20 million of new funding to help small and medium sized businesses across England to get back on track after the pandemic has been announced by the government and this means access only to grants of between £1,000 - £5,000 for new equipment and technology and specialist advice. No funding has been allocated to the Shared Prosperity Fund to replace the loss of EU Structural Funds after Brexit.

This Council will write to the government and request it:

- to ensure that there are no new austerity measures like those introduced in 2010 after the banking crisis;
- to set up a similar well-funded fund proportionate to the size of this country to provide grants to support Britain and Devon's economic recovery resilience and transformation;
- to make grants available out of the fund to invest in and support: -
  - Devon's local food and drink production and suppliers, our farming and fishing industries in Devon, so as to protect jobs so that our food supplies are sustained throughout the pandemic and any shortages or delays experienced during the exit from the EU;
  - Devon's service sectors such as retail hospitality tourism education health human services information technology finance arts and culture;
  - Devon's shipbuilding and engineering and environmental science sectors
  - Devon's Green economy and sustainable energy production and

transport systems and to support local industry to achieve net zero carbon climate change targets set by the Paris Agreement

- Devon's blue economy - its marine environment which is aiming to become more sustainable; and,
- New infrastructure to support sustainable green and blue growth

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

(a) that Council be recommended to take no further action at this time, given that the concerns and issues have already been raised with Government by the Council working with Team Devon including a request for funding; and

(b) to note that the Council has also approved a £6m package of investment, for consideration as part of the 2021/22 budget setting process which would support the actions as set out in the notice of motion.

**14. Great South West Initiative (Minute 315 of 1 October 2020)**

To receive and consider the recommendations of the Cabinet (Minute 581c) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

Since the abolition of the Regional Development Agency and the establishment of local LEPS economic development in the region has become fragmented. Control of public funds for economic development rest with central government on a piecemeal basis.

At the recent AGM of the Heart of the South West LEP the chair lamented that there has been no rural productivity deal for the South West and that the South West does not garner the level of support we need from the Government. He cited that attempts to deal with this by establishing the Great South West with its prospectus had failed to get the support of government.

The Council agrees to write to the government to ask it to support the Great South West Initiative and in particular:

- Give formal recognition and provide an identified Minister to link into Government.
- Provide at the very least £2million requested over three years to move forward at pace and enable it to develop full business cases across the range of topics covered in its prospectus though arguably now more is required sooner to support the recovery of the economy after the impact of the pandemic
- Support an enhanced export and investment hub.
- Recognition to a Great South West Tourism Zone; and an
- Agreement to create a rural productivity deal.



Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to make no further representation at this time, whilst we await a response and outcome to the recent letter sent on this matter and a meeting with the Minister for Local Government has taken place.

**15. The Protection of UK Jobs and Businesses (Minute 316 of 1 October 2020)**

To receive and consider the recommendations of the Cabinet (Minute 581d) 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

**Council Notes With Concern**

The South West region has seen some of the highest employee furlough rates in the country during the first part of the Covid-19 pandemic. Figures show that under the Government's Job Retention Scheme, 808,900 people in the region were furloughed, with take-up in the South-West of 32.1%, being the second highest for any region in England after the West Midlands.

Retail has been the sector hardest hit by mass redundancies since the pandemic began, with manufacturing, tourism, hospitality and aviation also being badly affected.

Tens of thousands of job losses have been announced, and more mass redundancies are expected in these sectors, yet they will not receive any tailored support when the Government's jobs-retention scheme is scheduled to finish at the end of October. Our country is facing an unprecedented jobs crisis. The Office for Budget Responsibility predicts that, by the end of this year, nearly one in eight of the UK's workforce will be unemployed.

The Government's current plan to end furlough outright is oversimplistic and will only exacerbate the problem - it puts millions of jobs at risk. Regions such as the South West, are as a direct result at risk of suffering from deepening inequality. Britain already has the worst regional inequalities in Europe, and without targeted action now, these are likely to get even worse.

**Council Supports**

The work of the Treasury select committee, that has called on the Government to "carefully consider" targeted extensions to its coronavirus job retention scheme, that is due to end for all sectors. The new 'Challenges of Recovery' report from the cross-party group of MPs,

concludes that although the retention scheme “cannot persist indefinitely” the Chancellor should consider further support measures.

Commenting on the new publication, Treasury select committee chair Mel Stride MP said: “Our second report of the inquiry focuses on emerging challenges as lockdown measures are lifted. One such challenge is to target assistance effectively at those businesses and individuals who need it. The Chancellor should carefully consider targeted extensions to the coronavirus job retention scheme and explain his conclusions.”

The new report is the second by the committee on the economic impacts of Covid-19. The first identified gaps in the Government’s financial schemes that left at least one million people unsupported. The proposals set out in the earlier June report were ignored, which led the Treasury select committee to accuse the Government of “turning its back on those who are suffering”.

The newly released report also says the Government should extend reforms to Universal Credit past their one-year cut-off, support small businesses struggling with debt and define “levelling up”.

Although the Prime Minister claims to have made reducing regional inequalities a central aim of his administration, the committee accuses his ‘levelling up’ promise of being merely an “empty slogan”.

The Chair Mel Stride MP added: “The key will be assisting those businesses who, with additional support, can come through the crisis as sustainable enterprises, rather than focusing on those that will unfortunately just not be viable in the changed post-crisis economy. As the committee has said throughout the crisis, the Chancellor must continue to show flexibility in his approach. We hope that the Treasury’s unwillingness to implement the recommendations from our first report is not a sign of how it will respond to this one.”

### **Council Believes That**

We need a financial support system that specifically targets industries worst hit by the pandemic, seeks greater economic protections for any areas under local lockdown restrictions, and ensures incomes for people who are forced to self-isolate. Without targeted support viable businesses will fail and employment will be lost. This will extinguish any hopes of a quick economic recovery from the deep economic recession that we are facing.

Our region and the whole country is now facing a social and economic toxic shock through the threat of mass unemployment in tandem with an international health crisis from a second wave of the pandemic.

### **Council Resolves**

To formally write to the Prime Minister, Chancellor of the Exchequer, and all

our local Members of Parliament as a matter of urgency to call again on the Government, in the strongest possible terms, to not implement its damaging blanket approach to indiscriminately sever and totally withdraw the current furlough scheme. Which fails to consider the circumstances of different regions, such as the South West, and the most effected sectors, with the deep impact on the communities that have a proud history in these industries. Therefore to urge the Government to do right by our local communities and businesses and see them through the crisis by targeting support, extra relief for lockdown areas, extend the eviction ban, adequate support for self isolators, and not pull the life raft away while the storm is still raging, to save jobs, and to potentially save lives.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

(a) that Council be recommended, in light of recent announcements and amendments to the package of support offered to areas facing restrictions, that no letter be sent at this time; and

(b) that Council continue to monitor the economic impacts facing the Devon economy and consider the ongoing economic consequences from additional restrictions and measures that could potentially be applied to Devon and its neighbours.

## **16. Armed Forces**

Councillor Asvachin to move:

We call upon the council to make their armed forces champions and lead officers aware of the difficulties experienced by commonwealth veterans and ensure that those who are currently experiencing problems, whether financial or immigration difficulties, are not disadvantaged whilst their applications are ongoing.

We also call upon the leader of the council to write to the Prime Minister, Kevin Forster the Minister of State for Immigration, and Johnny Mercer the Minister of State for Veterans Affairs, outlining this Councils support for all Commonwealth veterans who have served a minimum of 4 years being granted automatic and free of charge right to remain in the UK and that any veteran who completes 12 years of service to be automatically given British Citizenship.

Further, we call upon the Leader of the Council to write to our Devon MPs, on behalf of this council, to ask that they continue to press the government for a change in the legislation that affects those that have served diligently and honourably for this Country.

## 17. Loneliness and Isolation

Councillor Connett to move:

This Council notes that loneliness and isolation are a public health issue that must be tackled at a local, as well as at a national level. It is estimated one in ten people of pensionable age living in the Devon County Council area are likely to be classed as lonely or severely lonely. And that the Covid 19 pandemic will have increased the chronic nature of this loneliness.

This Council believes:

1. Loneliness increases the risk of heart disease and puts people at greater risk of blood clots.
2. Being chronically lonely is equivalent to smoking 15 cigarettes a day.
3. Loneliness makes people more likely to drink more alcohol, eat more and exercise less.
4. Raising awareness of the health impact of loneliness is important because it affects older people's mortality and morbidity.
5. Councillors and the authority as a whole can play a key leadership role in ensuring Devon is an area in which people maintain and forge social connections.
6. The Health and Wellbeing Board must play a central role in mapping local services and supporting local interventions to help reduce social isolation and loneliness.

Devon County Council will work at three levels to address loneliness:

One to one:

1. Improve information and advice on existing services and activities that reduce loneliness and isolation. Make sure this information is available both off and online.
2. Launch a local campaign to raise awareness of the health effects of loneliness and isolation amongst target risk groups.

Neighbourhood:

3. Set up a pilot scheme in a selected Division to map local assets for, and barriers to, keeping connected in older age. Involve local businesses, police officers and voluntary organisations in the project.
4. Involve older people, including those experiencing or at risk of loneliness, in mapping local assets, determining responses, and co-producing solutions.
5. Support the voluntary and community sector to build referral partnerships with frontline healthcare staff, fire services and social workers.

Strategic:

6. To take an active interest and role in ensuring the public health problem of social isolation in Devon is recognised and assessed.
7. To regularly measure loneliness and mapping need through Joint Strategic Needs Assessment and/or lifestyle surveys. Use this to monitor impact of interventions.
8. To ensure addressing loneliness and isolation is part of any 'ageing well' or 'mental health' or other relevant priority in the Health and Wellbeing Board's Joint Health and Wellbeing Strategy.
9. Protect subsidies for public transport for over-60s, and improve accessibility to public and community transport.
10. Agree a plan, in conjunction with the Health and Wellbeing Board's Joint Health and Wellbeing Strategy, to take action to prevent and reduce loneliness.

## **18. Children's Social Workers**

Councillor Brazil to move:

Once again Devon's Children's Social Care Services has failed its OFSTED inspection. DCC continues to fail some of the most vulnerable, the very people we should be doing our utmost to support and protect. Cornwall Children's Social Care Services is rated excellent. In comparison Devon's children's social workers have worse terms and conditions of employment including training and career progression. Not surprisingly Devon has a high turnover of social workers and employs a higher number temporary (and more expensive) agency staff.

As a matter of urgency DCC will commit to improving the terms and conditions of employment and invest in the support of these social workers.

## **19. Rural Proofing**

Cllr Atkinson to move:

Given the government's failure to fair fund rural Devon's schools, economy, health services, police and local government and to recognise the Great South West's Industrial strategy, this council considers the Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Devon.

This Council considers a reformed approach to rural proofing should be introduced and take into account the following:

- A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No legislation should be brought forward without an accompanying rural

- assessment statement;
- The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across government in the Government's annual report on the implementation of the rural strategy;
  - All relevant public bodies including government, Devon County Council and the HotSW LEP should be required to rural proof, monitor and report annually on the rural impacts of relevant policies.
  - The Government should put in place the appropriate structures to facilitate a more robust rural proofing regime.
  - Agrees to write to the Government and MPs across the South West and the LEP in response to this motion.

## **20. Climate Change and Fossil Fuel Projects**

Councillor Atkinson to move:

The UK export finance (UKEF) has used £3.5bn of public funds to support polluting projects since the government signed up to the Paris climate agreement and has directed £6bn of public money into fossil fuel projects around the world in the last decade.

It is considering requests for financial support for seven projects involving fossil fuels that may be agreed in 2021 and has received a further 10 applications for trade finance support in the sector.

Britain must lead by example by urgently aligning our stated net zero priorities at home with our practices abroad in view of our COP presidency next year. The government's seeming willingness to pump billions of pounds of UK public money into overseas oil and gas demonstrates a reckless and inconsistent approach to climate action.

Devon County Council calls on the government to:

- end all financing for new foreign fossil fuel projects immediately or risk undermining its own commitment to tackling the global climate crisis; and,
- change the mandate of its credit agency, UK export finance (UKEF), to stop offering billions of pounds in financial support to companies that bid for work on fossil fuel projects overseas despite a pledge to be carbon neutral at home.

## **21. Public Sector Pay**

Cllr Atkinson to move:

Research from the Institute for Fiscal Studies showed that public sector pay is 1.5% lower than in 2010 after inflation, and among the lowest levels relative to private sector earnings in decades.

Devon County Council:

- deplores the governments renewed squeeze or pay freeze on public sector pay and should not be attacking public sector workers who have done much to support the emergency response to the coronavirus pandemic;
- considers this will seriously affect morale and services at DCC;
- will exacerbate difficulties with hiring workers and retaining existing employees; and,
- agrees to write to the Government to and local MPs to ask it to not implement this.

## **22. The British Horse Society - Dead Slow Campaign**

Cllr Hannaford to move:

### **Council notes with concern that:**

Numbers of road collisions involving horses in the South West are higher than anywhere else in the country, according to the latest figures.

New statistics released by the British Horse Society (BHS) show that 203 incidents were reported to the charity during 2019-20, down slightly from 239 in 2018-19.

Devon reported over half of the overall total with 104 incidents, one human fatality and 33 horse fatalities, also making it the county with the highest equine fatality rate in the UK.

The BHS has collated incident statistics to tie in with Road Safety Week (November 16-22) run by Brake, the road safety charity, to understand the rate of incidents involving horses on UK roads.

Of the 1,037 incidents reported nationally, 80 horses have died and 136 have been injured.

Furthermore, the BHS reveals that 81% of them occurred due to vehicles passing by too closely and close to half (43%) of riders were subject to road rage or abuse. It adds that 40% of incidents occurred because a vehicle passed by too quickly.

Overall since November 2010, 4,774 road incidents have been reported to the BHS, 44 people have lost their lives and 1,220 have been injured, and 395 horses have been killed, with another 1,080 injured.

### **Council supports:**

The Dead Slow campaign that can be visited at the website [bhs.org.uk/dead slow](https://bhs.org.uk/dead-slow), consists of four key behavioural change messages to drivers in relation to horses and riders:

- Slow down to a maximum of 15mph;
- Be patient – I won't sound my horn or rev my engine;
- Pass the horse wide and slow (if safe to do so), at least a car's width if possible;
- Drive slowly away.

**Council resolves:**

With the documented increase in speeding incidents we support the charity in urging drivers to be very careful when passing horses on the road, and for them to adhere to its Dead Slow campaign messages.

We join with the BHS to encourage all riders and horse owners to report their incidents to the charity at [www.horseincidents.org.uk](http://www.horseincidents.org.uk) .

Furthermore, as Devon's highways authority we will aim to work with horse owners & riders, local communities, District, Town and Parish Councils, charities and others to wherever possible promote this campaign, in tandem with other measures such as better signage, to achieve behavioural change and secure better equine safety for all.



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### **Declarations of Interest for Members of the Council**

It is to be noted that Members of the Council 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.

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### **Induction Loop available**



## APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

12 October 2020

Present:-

Councillors J Hart (Chair), A Connett, J McInnes and B Parsons

Apologies:-

Councillors R Hannaford

\* 71 **Minutes**

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

**RESOLVED** that the minutes of the meeting held on 28 September 2020 be signed as a correct record.

\* 72 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

*(The County Solicitor left the meeting)*

\* 73 **County Returning Officer**

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

**RESOLVED** that, in accordance with the Representation of the People Act 1983, Mrs J Shadbolt be formally appointed to be the Returning Officer for election of Councillors of the County.

\* 74 **County Council Election Fees 2021**

The Committee considered the schedule of fees for the 2021 Quadrennial Elections which had been prepared in consultation with District Council Chief Executives and Deputy (District Council) Returning Officers reflecting previous past practice and applying the staff pay awards, between 2017 and 2020, as an uplift to the fees.

The Committee asked for clarification on the fee for the County Returning Officer which would be sent out as requested.

# Agenda Item 10.(a)

2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
12/10/20

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

**RESOLVED** that item 1 (fee of the County Returning Officer) of the schedule of fees for the 2021 Quadrennial Elections be approved.

*(The County Solicitor re-joined the meeting)*

It was further **MOVED** by Councillor Hart, **SECONDED** by Councillor Parsons, and

**RESOLVED** that items 2-12 of the schedule of fees for the 2021 Quadrennial Elections also be approved.

## **NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 2.47 pm

**DEVELOPMENT MANAGEMENT COMMITTEE**

21 October 2020

Present:-

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

Apologies:-

Councillor T Inch

Members attending in accordance with Standing Order 25

Councillors K Ball, J Clatworthy and J McInnes

\* 109

**Minutes**

**RESOLVED** that the Minutes of the Meeting held on 23 September 2020 be signed as a correct record.

\* 110

**Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

\* 111

**County Matter:Change of use from a bale distribution and storage centre to treatment consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for storage, disposal or recovery and updated site layout plan, Plot 4, Thorverton Road, Exeter**

(Mr N Leaney (for the applicant) attended under the Council's Public Participation Scheme and spoke to this item in support of the application and Mr R Humm attended and spoke in objection referring to loss of amenity for other local businesses/residents)

The Committee considered the Report of the Chief Planner (PTE/20/31) on a retrospective application to regularise a change of use to the treatment of waste, consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction, for storage or onward movement for disposal or recovery.

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

# Agenda Item 10.(b)

2

DEVELOPMENT MANAGEMENT COMMITTEE  
21/10/20

Member discussions included reference to potential loss of amenity from odour nuisance, increased traffic and health and safety matters and the need for monitoring/enforcement of the proposed conditions by the County Council and Environment Agency.

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

it was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor S Aves and

**RESOLVED** that planning permission be granted for 24 months subject to the conditions set out in Appendix I of the Report (with an additional clause within the Environmental Management System Plan relating to the removal of gas cannisters and any other hazardous waste within a 24 hour period); and with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member.

- \* 112 **County Council Development: West Devon Borough: New special educational needs school including two-storey school building, hard and soft play areas, playing fields, car park, turning zone and services/plant store (outline application with all matters reserved), Okehampton East Business Park, Higher Stockley Mead, Okehampton**

(Councillor P Sanders declared a Personal Interest by virtue of being a Trustee of the Okehampton Multi Academy Trust and former Governor at Tavistock Community College)

(Mr N Pateman and Councillor J McInnes (both for the applicant) attended under the Council's Public Participation and spoke to this item in support of the application)

(Councillor K Ball attended in accordance with Standing Order 25 and spoke to this item as the Local Member in support of the application)

The Committee considered the Report of the Chief Planner (PTE/20/32) on an outline planning application for a new Special Educational Needs school including two-storey school building, hard and soft play areas, playing fields, car park, turning zone and services/plant store.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting. He also reported an update from West Devon Borough Council which gave qualified support for the application.

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

it was **MOVED** by Councillor J Brook, **SECONDED** by Councillor R Hosking and

**RESOLVED** that outline planning permission be granted subject to the conditions set out in Appendix I of the Report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

*(N.B. In accordance with Standing Order 32(4) Councillor P Sanders requested that his abstention from the vote taken be recorded)*

\* 113

**County Council Development: Teignbridge District: Construction of a new multi-purpose hall, vocational teaching workshop and ancillary roads, parking and pavements to serve an existing SEN school, Orchard Manor School, John Nash Drive, Dawlish**

(Mr N Pateman and Councillor J McInnes (for the applicant) attended under the Council's Public Participation and spoke to this item in support of the application and Mr D Thompson (local resident) attended and spoke in objection to aspects of the application relating to potential loss of amenity, details of which had been circulated to Members in advance of the meeting)

(Councillor J Clatworthy attended in accordance with Standing Order 25 and spoke in in reference to the conditions and requested deferral pending a site visit)

The Committee considered the Report of the Chief Planner (PTE/20/33) on the proposed construction of a new multi-purpose hall with ancillary accommodation and a new vocational workshop to accommodate an increase in pupil numbers from 156 to 210 at Orchard Manor School. There were also associated external works with the formation of a new road and an additional 28 car parking spaces, which took the total up to 100 spaces.

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

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

it was **MOVED** by Councillor J Brook, **SECONDED** by Councillor L Hellyer and

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

# Agenda Item 10.(b)

4

DEVELOPMENT MANAGEMENT COMMITTEE  
21/10/20

*(N.B. In accordance with Standing Order 32(4) Councillor A Connett requested that his abstention from the vote taken be recorded in view of his expressed support of the application prior to consideration of the above speakers' views)*

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

The Committee received the report of the Chief Planner (PTE/20/34) of action taken under delegated powers.

### **NOTES:**

- 1. Minutes should always be read in association with any Reports for a complete record.*
- 2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.48 pm



## APPEALS COMMITTEE

2 November 2020

Present:-

Councillors J Hawkins (Chair), A Saywell, C Slade, P Twiss and C Whitton

\* 185

### Minutes

**RESOLVED** that the minutes of the meeting held on 7 September 2020 be signed as a correct record.

\* 186

### Exclusion of the Press and Public

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100A(4) of the Local Government Act 1972 on the grounds that they involve 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.

\* 187

### 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 2020/21.

\* 188

### Deferred Appeals

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

The Committee noted the following appeals determined under urgency procedures following Members' route walks arising from the last meeting:-

Ashford – Pilton CC, route available (appeals refused):  
ST159, ST160, ST161 and ST163.

\* 189

### School Transport Appeals

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

# Agenda Item 10.(c)

APPEALS COMMITTEE  
2/11/20

The Committee considered reports from the Chief Officer for Children's Services on appeals and written and verbal submissions from appellants who attended as follows:-

ST165 and ST166                      Appellant and representative  
Local County Councillor

**RESOLVED:** that the following appeal(s) be allowed:-

ST165 and ST166.

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

The Meeting started at 9.45 am and finished at 11.20 am

## STANDARDS COMMITTEE

16 November 2020

### Present:-

Councillors S Barker (Chair), M Asvachin, R Bloxham, P Colthorpe, C Slade, P Twiss, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

### Apologies:-

Councillor A Connett and Sir Simon Day

### \* 90 Minutes

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

**RESOLVED** that the minutes of the meeting held on 17 March 2020 be agreed as a correct record.

### \* 91 Items Requiring Urgent Attention

There was no item raised as a matter of urgency but the Chair wished to place on record his thanks to the Co-opted Members of the Committee who had continued to attend meetings remotely to give the Council valuable feedback on Governance issues and the operation of virtual meetings.

### \* 92 Ethical Governance Framework: Monitoring

The Committee received the Report of the County Solicitor ([CS/20/12](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

Of particular note was that meetings were being held virtually and a number of positive comments were made including that Members appeared to be at ease with the technology, spoke in an orderly fashion and there was always efficient advice available should members have a problem.

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

# Agenda Item 10.(d)

2

STANDARDS COMMITTEE

16/11/20

\* **93**      **Annual Review of the Code of Conduct**

The Committee noted that they would normally conduct an annual review of the Council's Code of Conduct.

However, the Committee agreed that with a new Code of Conduct anticipated in early December, the Committee would review, consider and adopt a new and revised Code of Conduct at its next meeting.

\* **94**      **New Model Code of Conduct Consultation**

The Committee considered the Report of the County Solicitor (CSO/20/19) on the Model Code of Conduct Consultation and the Council's response.

Members recalled that the Committee had previously considered the Report of the Committee on Standards in Public Life 'Local Government Ethical Standards - A Review by the Committee in Public Life'. This final report was published on 30 January 2019 and whilst a number of issues surrounding behaviours and governance in public life were considered, there was a recommendation that the Local Government Association (LGA) create and draft an updated new model Code of Conduct.

As part of the process, a series of workshops had been held with national representative bodies to develop some broad principles. The aim had been to develop a code that benchmarked a standard for all in public office and for those engaged in public discourse and debate. Its main purpose was to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.

The original proposed timeline was delayed due to the COVID-19 pandemic, however, four webinars had been conducted with over 1000 participants and over 1600 written responses to the consultation received. Whilst there was support for the Code, a number of issues had been raised nationally such as use of the first person or third person, the wording in relation to respect or civility, social media issues including confidentiality, the threshold for the declaration of gifts, the need for accompanying guidance with examples, the Equality Act, an obligation to cooperate with investigations, compulsory training for members and the application of sanctions.

The Council had submitted a response to the Consultation, a copy of which was attached to the agenda. Members had been consulted on the proposed response over the summer. Whilst the Council supported many of the aims of the Code, it also raised concerns over the lack of sanctions in the new proposals.

The draft Code had been discussed at a Councillor's Forum on the 22/10/20 and would be reviewed in light of that discussion and a final Code prepared for the Local Government Association Board for approval on 3rd December

2020. The approved Code would then be published and issued to Local Authorities with associated guidance.

It was **RESOLVED** that the update and progress on the Model Code of Conduct be noted.

\* **95**      **Committee on Standards in Public Life - Landscape Review of Public Standards**

The Committee noted that the Committee on Standards in Public Life had launched Standards Matter 2, which was a landscape review of the institutions, processes and structures in place to support high standards of conduct.

It proposed to look at best practice and identify any themes and gaps in the way the [Seven Principles of Public Life](#) were promoted and maintained.

As part of this, the Committee on Standards in Public Life was running a public consultation and a public sector survey as part of this review. As the survey was inviting individual experiences, Members were asked to respond individually if they so wished. The Consultation ended on 18<sup>th</sup> December.

The [terms of reference](#) for the review were available on the website as well as the ability to [reply to the consultation](#).

\* **96**      **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, nine complaints concerning alleged breaches of the Members Code of Conduct had been received relating to County Councillor behaviour.

The complaints and the nature thereof were detailed below and following an initial assessment of each of the complaints and consultation with an Independent Person appointed by the Council, it had been agreed that the associated actions be taken.

1. A member of the public had felt unfairly treated – further detail was sought from the complainant but no response was received, therefore no further action could be taken.

2. Failure to deal with constituent enquiries and preventing the community from accessing information – no breach of the code was established but an apology was given for overlooking an email.

3. Inappropriate use of social media and the associated failure to promote high standards of conduct, not treating others with courtesy and respect, bringing the Council into disrepute, failure to act in the public interest and inappropriate language on social media – this had been subject to further investigation and was to be considered later in the agenda.

# Agenda Item 10.(d)

4

STANDARDS COMMITTEE

16/11/20

4. Inappropriate use of Facebook and alleged harassment – as comments were not made in the capacity of a being a County Councillor, no further action could be taken.

5. Allegations of attempting to influence, change, undermine and interfere with the conduct of Parish Council business – no breach of the Code of Conduct was established therefore no further action was taken.

6. Comments made in the background of a remote Council meeting - it was established that the comments were by a member of the public, therefore no action was taken.

7. Allegation of abuse of position as an elected member and bullying – Chief Officer of the service area had been asked to look at the matter further.

8. Lack of impartiality regarding a planning application – the matter was connected to the individual's role as a Parish Councillor, therefore no further action was taken on the complaint.

9. Failure to act in the public interest between rural & urban splits in the Parish – the complaint had yet to be assessed.

## \* 97 Exclusion of Press and Public

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

**RESOLVED:** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## \* 98 Allegation of Breach of Members' Code of Conduct

The Committee considered the Report of the Deputy County Solicitor and Monitoring Officer relating to a complaint received from Mr Hayward (the Complainant) relating to an alleged breach of the Members' Code of Conduct by Councillor Stuart Hughes (the Subject Member).

The covering and investigation Report of the Deputy County Solicitor and Monitoring Officer gave the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee that a Report be brought forward to the next meeting of the Standards Committee in relation to clarification on sponsorship and a social

media tweet. The Assessment Sub Committee had determined that no further action should be taken in relation to a third social media tweet.

The Deputy County Solicitor and Monitoring Officer's Report highlighted the matters had been investigated but stressed the importance of the Committee thoroughly considering the issues before reaching its own conclusion as to whether or not there had been a breach of the Members' Code of Conduct.

The Report of the County Solicitor and Monitoring Officer also encompassed the views of the Independent Person following his consideration of the investigation Report who concurred with both the content and recommendation.

The County Solicitor and Monitoring Officer reminded the Committee of their role and remit which was to determine whether or not it considered the Code of Conduct had been breached. If the Committee found there was no breach then there would be no further action, but if the Committee felt there had been a breach then it needed to determine what sanctions, if any, should be applied to the Subject Member.

The sanctions available to the Committee were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access).

The decisions of the Committee on each of the alleged breaches and application of allowable sanction is detailed below.

The findings of the Report were that, in relation to the retweeted message there had been no failure under paragraph 1.3(h), 5(b) or 5(c), but the Committee needed to consider whether there had been a potential failure under paragraph 1.3(i) and 4(a) (promote and support high standards of conduct and treat others with respect and courtesy). In relation to the second post, the investigation report found there had been no breach of 1.3(a), 1.3(b), 1.3(f), 5(a), 5(e) or 5(h).

The Committee expressed their view that the sponsorship issue had now been thoroughly investigated and they agreed with the investigating officers report that there had been no breach of the Code of Conduct.

However, in relation to the reported retweet, it was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Slade and **RESOLVED** that there had been a breach of the Code of Conduct under paragraph 1.3(h) (to promote and support high standards of conduct when serving in the public post) and

# Agenda Item 10.(d)

6

STANDARDS COMMITTEE

16/11/20

paragraph 4(a) (to treat others with courtesy and respect) and subsequently the Committee asks the Monitoring Officer to provide guidance to the Subject Member relating to the use of social media and retweeting messages which could cause offence.

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

## **NOTES:**

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

The Meeting started at 2.15 pm and finished at 3.38 pm



## PROCEDURES COMMITTEE

17 November 2020

Present:-

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

**\* 94** Minutes

**RESOLVED** that the minutes of the meeting held on 15 September 2020 be signed as a correct record.

**\* 95** Items requiring urgent attention

There was no item raised as a matter of urgency.

**\* 96** Council Meetings (1 January 2021 to 7 May 2021)

The Committee noted the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which were in place until 7 May 2021.

The Committee also noted that the Council had previously agreed to utilise the regulations to run remote meetings during the COVID-19 pandemic until the end of the year (December).

In view of the latest Government guidance and the advice received from the Director of Public Health, Group Leaders supported the proposal to continue to operate Committee meetings via remote means.

It was therefore **RESOLVED** that the Council continue to conduct remote meetings until the expiry of the regulations, on the 7 May 2021.

**97** Notice Of Motion - Remote Meetings and the Future

The Committee noted that at the Council meeting on 23 July, Councillor Biederman had submitted a Notice of Motion relating to the Council's future working practices relating to Member meetings.

*'That Devon County Council make a commitment to holding more virtual meetings, briefings and task groups post Covid-19. They have clearly been very successful, have made a huge saving to the Council in budgetary terms and they also help in the Council's climate emergency aims, by reducing our carbon footprint. Council therefore asks the*

# Agenda Item 10.(e)

2

PROCEDURES COMMITTEE

17/11/20

*Procedures Committee to consider a Report on meetings in the future and what Committees, briefings and task groups could meet virtually.*

The Committee then considered the Report of the County Solicitor (CSO/20/18), responding to the Motion outlining the current process, legislation, the national debates, remote meetings and financial impacts.

The Report highlighted that the issue of remote meetings had been discussed in the past, however, prior to the 4<sup>th</sup> April 2020, there had been no legal provision to allow Councillors to attend meetings remotely. The Legislation outlined that in order to vote on decisions or recommendations a Member must physically be present at the meeting. Of course, the temporary Regulations in the form of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 permitted remote attendance for the first time, as long as certain conditions were satisfied, for example, being able to hear and be heard.

The Report also highlighted the Council's Current ICT Strategy and that work was underway to finalise the new Digital & Technology Strategy which took the Council into 2024. Whilst it covered a number of themes reflecting the changing working patterns of many staff, it also looked to understand and support the new meeting experience and refresh "technology enabled meeting rooms".

The Report outlined the representations that had been made at a national level, with the Association of Democratic Services Officers having written to the Local Government Association with regard to the extension for remote meetings more generally beyond May 2021. A response to the letter was awaited.

Whilst the outcome of the legislative changes was awaited, this would only apply to the Council's Committees formally constituted under the Local Government Act, but the Report outlined a number of other meetings that could be conducted remotely in the future and the current work on induction sessions to consider other formats such as webinars, so people could view content in their own time, notwithstanding this would not be appropriate for all induction sessions.

Whilst the most important aspect of this remote meeting conversation was open and transparent democratic processes, there could be considerable budgetary saving and the Report gave detail of the Members expenditure from April – October 2020 and the saving of £39,384 when compared to 2019/20.

It was also noted that a number of equality and environmental impacts could also be identified, for example, to allow more flexibility in Local Government may increase the attractiveness of the role to a wider group of people.

With the Council's sign up to the climate emergency to become carbon neutral by 2030, to permit remote attendances contributed significantly to reductions in both journeys and carbon emissions.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Barker and **RESOLVED**

That Council be asked to;

- (a) note the update Report around the current legislation, the Council's Virtual Meetings and Audio-Visual capabilities and Member meetings which permit remote attendance;
- (b) welcome more flexibility in Local Government in the future which could pave the way for more people standing for Election and a more diverse Council of the future;
- (c) in light of (b) and the benefits achieved over the last few months, write to the Secretary of State for Housing, Communities and Local Government requesting a permanent change to the Legislation to support more flexible working practices in the future for Local Democracy.
- (d) ask officers to consider the most effective medium for holding a meeting in the future, supporting and encouraging remote meetings when it is appropriate to do so;
- (e) support those Members who wish to attend future meetings remotely, with relevant training and provision of necessary equipment; and
- (f) ask Procedures, at the appropriate time, to undertake a further review of any legislative changes surrounding remote meetings and make any necessary changes to the Constitution and working practices.

\* 98

### **Devon Day and Patron Saints**

The Committee note that at the Procedures Committee on the 15<sup>th</sup> September 2020, the Leader had asked that the Committee undertake a piece of research to review how the current date of the 4<sup>th</sup> June was chosen for Devon Day, the link to St Petroc's Day and also St Boniface. The Committee had RESOLVED that the issue be investigated and a Report brought back to the Committee in due course.

The Report of the County Solicitor highlighted that whilst the Roman Catholic Church had an elaborate and formal, canonization process, the process in the Eastern Orthodox and Anglican Catholic Churches was much less formal. However, the Church of England had no mechanism for canonising saints. Patron saints of churches had generally been chosen due to some connection of that saint to that place.

In relation to Saint Petroc and the link to Devon Day (4 June) it was noted that county days were relatively recent observances, formed to celebrate the cultural heritage of a particular county. Devon Day was linked with St Petroc; one of the three Patron Saints of Cornwall; along with St Piran (5<sup>th</sup> March) and St Michael

# Agenda Item 10.(e)

4

PROCEDURES COMMITTEE

17/11/20

(8th May). The report outlined the history of St Petroc including his links with Dumnonia, which included Kernow (Cornwall), and parts of Dewnans (Devon), Somerset and Dorset and his work in founding a number of churches and monasteries across the south-west, with several important clusters around Barnstaple and the Devon villages of Petrockstowe and Newton St Petroc. Petroc was also strongly associated with Exeter.

The idea for Devon Day began in 2014 to have an official date to celebrate Devon and promote the best of Devon. The previously constituted Devon Flag Group had suggested several significant county dates when the flag might be raised, agreed the Feast Day of Saint Petroc's and this was the date that had been commemorated since. Since becoming an official day in 2016, Devon Day attracts a massive online following. In 2017, more than 2.4million Twitter followers saw #DevonDay and in 2018, the subject was trending on Twitter nationally for more than eight hours.

The Report then went on to highlight the work and status of St Boniface, born in Crediton around 675AD and was a leading figure in the Anglo-Saxon mission to the Germanic parts of the Frankish Empire. Boniface believed that church and state should work together and was dedicated to a peaceful co-existence. Saint Boniface's feast day was celebrated on 5 June and a statue stood in the grounds of Mainz Cathedral. The UK National Shrine to St Boniface was at the Catholic church in Crediton as well as an aisle dedicated to him at Crediton Parish Church.

The idea of St. Boniface as a Patron Saint of Devon originated with The Boniface Link Association. The Council had previously considered a Notice of Motion and it had been agreed that the Council supported the work of the Boniface Link Association in working towards the adoption of St Boniface as the patron saint of Devon. In 2019, the Bishop of Exeter introduced a new initiative in the name of St Boniface in the form of 'the Company of St Boniface' which honoured people who had made a substantial contribution to the life of the church in Devon.

The Report then outlined the position in terms of the designation of a Patron Saint concluding that there was no formal system. The Diocese of Exeter advised they were proud to have many outstanding Christians representing Devon and notwithstanding enthusiasm for wanting St Boniface to be more widely recognised, there was no desire to side-line St Petroc or any of the other saints associated with Devon.

The Ministry of Housing, Communities and Local Government had published guidance in July 2019 on celebrating the historic counties of England which included a list of all the county days. The guidance highlighted that local approaches must be locally led.

The Council recognised the importance of celebrating the history and traditions of the County through Devon Day and the mechanism by which St Boniface was honoured in the church calendar on 5th June. The Council also supported

the work of the Boniface Link Association but recognised the popularity and strong branding of the 4 June as Devon Day, as evidenced on social media.

Members discussed the benefits of Devon Day in celebrating the County of Devon and any opportunities for promotion and helping economic recovery in the County that could be afforded by supporting the 'Made in Devon' campaign alongside Devon Day.

It was **MOVED** by Councillor Way and **SECONDED** by Councillor Connett that the recommendation in the Report (shown in black) be moved and amended by the addition of the words shown in in red.

'that the Committee notes the **importance and** mechanism by which St Boniface is honoured in the national church calendar on 5th June and the Council's ongoing support for the Boniface Link Association in working towards the adoption of St Boniface as the patron saint of Devon,

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

It was then **MOVED** by Councillor Connett and **SECONDED** by Councillor Hannaford that the Motion be amended by the addition of (a) in red below;

**(a) that the County Council consider celebrating and utilising Devon Day as a 'Made in Devon Day for the 2021 year.**

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

It was therefore **RESOLVED** that;

(a) the County Council consider celebrating and utilising Devon Day as a 'Made in Devon Day for the 2021 year; and

(b) the Committee note the importance and mechanism by which St Boniface is honoured in the national church calendar on 5th June and the Council's ongoing support for the Boniface Link Association in working towards the adoption of St Boniface as the patron saint of Devon.

#### **NOTES:**

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

The Meeting started at 10.30 am and finished at 11.19 am



## CHILDREN'S SCRUTINY COMMITTEE

10 November 2020

### Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, J Brazil, C Channon, I Chubb, J Hawkins, L Hellyer, R Hosking, T Inch, A Saywell, A Connett, P Sanders and C Mabin (Church of England Diocesan representative)

### Apologies: -

Councillors G Gribble

### Members attending in accordance with Standing Order 25

Councillors I Hall and J McInnes

\* 186 **Minutes**

**RESOLVED** that the Minutes of the meeting held on 8 September 2020 be signed as a correct record.

\* 187 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* 188 **Public Participation**

There were no oral representations from members of the public.

\* 189 **Announcements**

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

\* 190 **Scrutiny Committee Work Programme**

The Committee were updated as to the Scrutiny Work Programme and it was agreed that an update and review on the Sufficiency Strategy would be added as future items.

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\* **191**      **In-year Budget Position**

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

The Committee received the In-Year Budget Briefing Report of the Chief Officer for Children's Services (CS/20/12) outlining those areas of specific pressures on the budget and on action being taken to address this. The Report highlighted that as of September 2020, the forecast position for Children's Services, including Public Health Nursing (PHN), was an overspend of £30.9m which included a funding shortfall for the Dedicated Schools Grant of £27.8m. The greatest cost pressures related to more children coming into care, placement mix and the SEND High Needs Block.

The Report noted that the budget for the Service had been increased year on year, partly in response to the growth in demand/unit costs and partly to enable important developments, and due to the outcome of the OFSTED Inspection in March 2020, the Council had allocated a further £2.2m in 2020/21.

Scrutiny Members had been examining the recruitment and retention of social workers; was recommending action to make the Council more competitive with neighbouring authorities; looking to reduce the current dependency on agency staff and build a permanent workforce which was both cost effective and would deliver improved service quality and improved outcomes for children.

At the time of writing, the High Needs Block of the Dedicated Schools Grant (DSG) was projecting a cumulative funding gap for the end of the financial year of £47.7m. The Council (and Government) recognised the national context of rapidly escalating demand and a legal framework that increased demand without the corresponding investment. As per DfE Guidance, the Council has held the SEND funding gap on the balance sheet rather than showing it as an overspend in recognition that the DSG was not part of the Council's revenue budget. A draft Statutory Instrument suggested that the deficit would be held until April 2023 within the balance sheet separate to the Local Authority's budget, which was also designed to allow national and local government time to tackle and resolve the fundamental drivers of SEND demand.

Children's Social Care had also seen a sustained increase in the number of children in care, building on increases in 2019/20. There were three main reasons for the increase:

- Improvement work had driven a firmer and more timely practice response in neglect cases, eliminating the drift identified by Ofsted in ILACS 2020;



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- COVID lockdown had increased pressure on families and reduced their resilience particularly where adult mental health was a factor; and,
- Courts during COVID had delayed hearings, including final hearings, leading to a delay in those children exiting care through Adoption, Special Guardianship or other family-based outcomes.

The increase in the number of children in care coupled with placement mix (the balance of children in higher, medium and lower cost provision) accounted for most of the reported pressure in the in-year budget.

The Public Health Nursing Service (PHN) was in-sourced in 2019, and last year the Council supplemented the Public Health Grant allocation to PHN with an additional £1m. The challenges of recruitment in PHN have not been fully resolved in 2020 although it was expected to be in 2021/22.

Members' discussion points with Officers included:

- The need for an update and review on the Sufficiency Strategy;
- the SEND overspend in the High Needs Block had previously been noted by this Committee and the Council, and the Cabinet Member for Children's Services advised that the Council had been in contact with the government Minister, who had assured that investigations into SEND and High Needs block would be looked in to nationally to understand the current pressures faced by local councils;
- the spending variation across the country per child in the 0-25 age was between £274 - £1,075 –Members requested the figure for Devon's spend per child;
- the Edge of Care Service and the permanent costs per year required moving forward to allow better planning and reinvestment back into the service – Members were advised that the initial investment for Edge of Care was the business rates pilot, with the money saved being used to pay for the service moving forward;
- updates on the pressures in the school transport budget (projected £2.1m overspend year to end with £1.6m related to personalised transport) - including market pressures over the past 18 months where businesses had ceased to trade and the Council had to look further afield to get providers in place at increased cost, and the number of children that required personalised transport to access education, such as those with EHCPs, had resulted in more individual taxis required thereby increasing the budget spend;
- Public Health Nursing and any savings to be made and the recruitment of nurses to the service;
- Ongoing work to explore and identify a range of possible options and areas of savings for the 2021/22 financial year, to look at where there is resource within Children's Services that could contribute to the corporate challenge of ensuring a balanced budget;
- Early Help funding and the need to focus on prevention, early intervention and the root causes to overcome challenges; and,

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- the suggestion that the Troubled Families initiative was renamed something more positive for families

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

**RESOLVED** that

Recognising that Early Help intervention achieves lasting and sustainable change for children and families, and that it is estimated that late intervention costs the public sector in England and Wales £16.6 billion every year, the Cabinet Member for Children's Services and Schools be asked to lobby the Ministry of Housing, Communities and Local Government and Devon MPs to:

(a) ensure that 2021/22 local government settlement includes ringfenced funding for the troubled families programme so that Early Help services in Devon can continue to be delivered throughout the next financial year;

(b) make a long-term funding commitment to the Troubled Families programme (or equivalent), ensuring that local authorities and partners are able to make long term, sustainable plans to prevent children and families reaching 'crisis point', and support them to thrive into the future;

(c) consider providing authorities (such as Devon) who have consistently shown their ability to deliver lasting and sustainable change for families through the Troubled Families programme, with ringfenced funding based on population and need, rather than 'results'.

## \* 192 Improvement Plan - Post Ofsted Improvements to Children's Services

The Committee received the Report of the Independent Chair of the Improvement Partnership and the Improvement Director (CS/20/13) updating Members on the response to the Inspection of Local Authority Children's Services (ILACS) undertaken in January 2020 where the Council was judged to be inadequate.

As part of the inspection, Ofsted found that senior leaders did not know about the extent of the failures to protect some of the most vulnerable children and young people from harm. Overall Ofsted identified eight areas for improvement, including the concerns about care leavers, and the Council immediately prioritised a response to ensure that children and young people were safe and that concerns identified by Ofsted were addressed.

Due to COVID-19, the publication of the Inspection Report had been delayed from March and as a result, the approach to improvement had taken two key phases to date:

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- Phase 1 (April – July): an approach to improvement which was focused on addressing the context of the pandemic, ensuring vulnerable children, young people and their families were safe and supported appropriately and addressing the priority areas for improvement. During this phase the governance of improvement sat with the Devon Children and Families Partnership Executive.
- Phase 2 (July – November); a more comprehensive improvement plan was developed covering all the deficits identified in the ILACS and included the CV-19 response post lockdown. During this phase the governance of improvement became the responsibility of the Improvement Partnership, comprised of elected members, senior council officers, senior representatives of statutory partners (health, police and schools), the DfE and a representative from Cornwall Council.

The Report highlighted progress made around the eight priority areas identified by OFSTED which were:

- Services to care leavers;
- The quality of social work practice, to assess, support and protect children who experience neglect, and the effective use of pre-proceedings;
- The effectiveness of child protection conference chairs in responding to escalating risks and identifying when progress is not being made for children;
- Consideration of child protection medicals when children disclose physical abuse or present with injuries;
- Permanence planning for children;
- The quality and timeliness of life-story work;
- The assessment of children looked after placed with parents; and,
- Strategic oversight and grip on areas for improvement and oversight of senior leaders, including case audits and supervision.

Members discussion points included:

- The additional challenge of an OFSTED Inadequate judgement given to the Council at same time as responding to the COVID-19 pandemic had caused additional pressures which other council's did not face;
- An over dependency on agency workers and the need to develop a stable and able workforce;
- How to engage with young people when many parts of the county no longer had a youth service;
- how Scrutiny Members could have confidence in the oversight of information presented to them and how this could be improved to ensure the failings identified did not occur again;
- Members discussed that questions had been raised previously around care leavers accommodation and were reassured at the time about the

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position of care leavers; whilst it was understood that senior officers were unaware of the situation, and without having have direct contact with young people themselves, what assurances Members had that improvements were being made?

- Concerns around engagement with young people – those young people that were willing to speak and engage were often not experiencing difficulties at that time – how could Members be assured that they were hearing from the voices of the most vulnerable?
- how Members could be directly involved with overseeing children in care through increased transparency and the interrogation of data;
- how Devon could more effectively report on improved outcomes and how officers measured the efficiency of those outcomes;
- the need to include examples of best practice from other authorities within reports to allow Members to scrutinise effectively;
- the Self-Evaluation Framework which would be sent to Members once available; and,
- the ambition and long term plan of making Devon an Outstanding authority in Children's Services.

## \* 193 Edge of Care Services

The Committee received the Report of the Chief Officer for Children's Services (CS/20/14) updating Members on the implementation of the new Edge of Care service in Devon.

Proposals to develop an Edge of Care Service formed part of a response to concerns about the high numbers of adolescents entering care in crisis as a result of adolescent neglect or acute family stress, the high and increasing cost of services to children entering care as adolescents and the poor outcomes in some cases.

The Report outlined proposed updates to the 2019 Model due to significant developments and improvements in strengthening the relationship and ways of working with police colleagues; notably the joint work being delivered through the Adolescent Safety Framework (ASF) and co-designed Exploitation Strategy. Also, significant investments had been made in developing Early Help support and the commissioning of various health services through Children and Family Health Devon since the original model proposals were agreed, and further consideration was now being given to the appropriateness of some specific roles.

In responding to questions from Members, the Acting Head of Children's Social Care advised that the Council had invested significantly in Domestic Violence services and had been aware that demand on services drastically increased during the first lockdown in April. The current lockdown during November felt different to April and Children's Services were working as normal and able to continue meeting children face to face – at this time there the Service had not seen an increase in demand, however there was

sometimes a 2-3 week delay. Economically this was a very challenging time for families.

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

**RESOLVED** that the proposed service model revisions as set out in section 3.12 against the model agreed by Cabinet members previously in April 2019 be approved and the current progress made with implementing the Edge of Care Service be noted and endorsed, and that a future report would be brought to the Committee outlining the progress and early outcomes of the service.

\* 194 **Support for Families during Pandemic**

The Committee considered the Report of the Chief Officer for Children's Services (CS/20/16) around the Council's response to vulnerable children in different phases of the Coronavirus pandemic, including the response now and data on Free School Meals (FSM) which showed a very significant rise in demand. Recent national debates about FSM had prompted Members to seek clarification about the Council's response.

During the first lockdown, the role of schools changed to supporting vulnerable children and the children of key workers, with the vast majority of children receiving their education at home. For the May half term and the summer holidays the DfE agreed that schools could continue to provide meals for entitled children. They met this requirement through a variety of routes, including the national voucher system, food parcels that families could collect or purchased gift vouchers for local stores.

As a Devon large rural county, the Council believed that local solutions were needed to ensure that during lockdown the most vulnerable people in Devon, including children and families, did not go hungry. To ensure support was available the Council allocated £1 million to a shared hardship fund, which was shared between districts along with a further £700,000 received from the government. The County Council was holding a further £100,000 in reserve for additional hardship funding over the winter.

The Report advised that before the pandemic the percentage of pupils eligible for and claiming FSM was rising in Devon and nationally; however, it was still significantly below that seen nationally.

COVID-19 had resulted in a significant impact of the number of families that had registered free school meals. The table below showed the increase in claims since March.

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Authorised Claims	March/April	June/July	Aug/Sept
2019	206	572	771
2020	1,257	1,816	1,130

Members were informed that based on the October 2020 school census there were now 13,830 pupils claiming FSM in Devon. This figure could still rise as the census was not yet closed. At £3 per meal, it would cost about £41,940 per day to provide a meal to these children.

Families entitled to FSM, whose children would otherwise go hungry, have been encouraged to contact their District Council in order to access hardship assistance during the school holidays. The Council would write to the Government to clarify that, due to the financial position, the Council were limited in our ability to provide financial support for families beyond the Spring and to request that they properly fund support for all vulnerable people in Devon affected by the financial impacts of the pandemic.

Since this Report was written, the Head of Education and Learning updated Members that Government had announced additional funding and support for families which included:

- £170m Covid Winter Grant Scheme to support children and families over winter;
- holiday activities and food programme to be expanded covering Winter 2021;
- Councils would distribute the funds rather than schools as they were best placed to directly help the hardest hit families and individuals as well as provide food for children who required it over the Christmas holidays;
- Local Authorities would receive ring-fenced funding at the beginning of December;
- The Healthy Start scheme payments were set to increase, which would support pregnant women or those with children under the age of four who were on a low income and in receipt of benefits, to buy fresh fruit and vegetables;
- Additional funding for food distribution organisations; and,
- The full school census data set showed 14,774 children had now registered for Free School Meals in state funded schools.

Members discussion points with Officers included:

- whether the new package of funding and support would meet the needs of those hardest hit families in Devon – Members were advised that the Government announcements were made on 8 November and Officers were still awaiting further details;

- the Hardship Funding had been allocated to District councils and local suppliers to deliver the support at home which was deemed the best course of action as the demand currently placed on schools would be too much and staff were not in place over the holidays;
- the numbers of coronavirus cases in schools had significantly reduced in terms of number of cases and those pupils self-isolating in Devon. Evidence suggested there was no increased risk to children attending school and it remained a priority to keep schools open;
- the need to focus on young people's mental wellbeing where children were spending significant time at school but were unable to meet friends outside of school due to the national lockdown; and
- that there had been no move on schools being able to claim costs around COVID for the autumn term.

\* 195 **Education and Inclusion Services**

The Committee received a report from the Head of Education and Learning (CS/20/15) on the future provision of Education and Inclusion Services in Devon.

In 2012, the Council commissioned out its statutory Learner Support Services to a joint venture with a private sector partner and Babcock Training Ltd (now Babcock Educational Holdings Ltd). A new partnership, Babcock Learning Development Partnership LLP (Limited Liability Partnership Joint Venture), was created, in which Devon County Council retained 19.9% ownership. The service level contract put in place with Babcock LDP was for a maximum of ten years (seven years plus three) and expired on 31st March 2022. The total value of the contract for 2019/20 was £8.8 million pounds.

The Council had been undertaking work on the future service design and the delivery model options for Learner Services in accordance with a commissioning timetable which allowed for any tender process or transfer of service required and a mobilisation period.

The pandemic incident management response required between March and July 2020 had a significant impact on the progress of the work to determine the future delivery model for Learner Services and it became clear that it would not be possible to meet the stringent consultation and competition rules set out in the Public Contracts Regulations 2015 legislation within the timescales needed. In August 2020, the Council's Cabinet approved an extension to the existing contract which would continue for a period of up to 12 months, to 31st March 2023.

Consultation had now been carried out with schools and a public consultation on the options being considered was also being prepared. Scrutiny members would be provided with a copy of the public consultation before it was launched. This public consultation would outline the options identified as the most beneficial along with the evidence base and rationale for this

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assessment. A full business case would then be written to include additional cost modelling and analysis of the rationale for the option being recommended, including the cost of implementation in terms of work from other teams within the council.

The council would be consulting on views about bringing in all 3 services directly delivered by the Council, these were:

- Educational Psychology
- Early years support
- Children missing education

The full business case for the final recommendations being made would be taken to Devon Education Forum (schools forum), LG8, Cabinet Leadership and Cabinet for final discussion and agreement.

Members raised the possibility of further work and scrutiny on the recommissioning of Babcock Services in order to better understand what was provided by Babcock and how bringing inhouse three of the main services would affect the contract. The Head of Education and learning explained that there were 66 elements of statutory delivery that were included within Babcock services, and the recommissioning focussed more on how the service was delivered rather than what was delivered.

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

**RESOLVED** that a more detailed session with Members into the recommissioning of the Babcock contract be arranged to explore in more detail.

\* 196 **Children's Standing Overview Group**

The Committee received the notes of the Standing Overview Group.

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

The Meeting started at 10.30 am and finished at 1.40 pm



## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

12 November 2020

### Present:-

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

### Members attending in accordance with Standing Order 25

Councillors J Clatworthy, A Dewhirst and A Leadbetter

### Apologies:-

Councillors A Saywell and L Evans (District Councils)

\* 208

### Minutes

**RESOLVED** that the Minutes of the meeting held on 10 September 2020 be signed as a correct record.

\* 209

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 210

### Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged representations from Gerald Lavers, Christine Lavers, Geralyn Arthurs, Councillor David Cox (Teignbridge District Council) and John Smith on a matter to be considered by the Committee, namely 'Modernising Health and Care Services in the Teignmouth and Dawlish Area' (Minute 214\* refers). They highlighted their concerns relating to the consultation proposals and process (for a range of reasons) and need to retain services at the hospital and the lack of inpatient/nursing beds in the area.

\* 211

### Finance and Performance Mid-Year Update: (a) Public Health; and (b) Health and Adult Care

#### (a) Service Delivery for Public Health Devon: In-Year Briefing

The Committee considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity (PH/20/02) on the delivery of the Public Health service during 2020-21, and in particular the impact of the coronavirus pandemic and the local authority public health function at the centre of the response, especially since the publication of the national Contain Framework which required upper-tier and unitary local authorities, from 1st

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July 2020, to establish COVID-19 Health Protection Boards, Local Outbreak Engagement Boards and a Local Outbreak Management Plan. The Report outlined the Public Health's commissioned services as part of the Council's strategic objectives and delivery in line with the agreed budget.

The Chief Officer responded to Members' comments and questions relating to:

- the valuable and ongoing support provided by the Council's Public Health's Nursing and Health Visitors during the pandemic;
- the increased resources dedicated for Domestic Violence during the pandemic with priority for prevention and early intervention;
- the impact of the pandemic on the National Health Checks programme but generally providers had adapted well with use of digital services;
- the level of 'excess' deaths during the pandemic mainly relating to respiratory/heart and stroke conditions which was ameliorated by the current mild winter conditions and which more analysis was being made by Public Health and on which further information could be presented to a future meeting (to include reference to previous years for example over a 5-year period).

The Chair and Members on the occasion of Dr Virginia Pearson's impending retirement thanked her for her frank and clear advice to Members during her dedicated service as Director of Public Health. Dr Pearson thanked the Committee for its support.

## (b) Health and Adult Care: Finance Performance and Mid-Year Update

(Councillor A Leadbetter attended in accordance with Standing Order 25 (1) and spoke to this item at the invitation of the Committee and referred to the resource pressures as a result of the pandemic)

The Committee considered the Report of the Associate Director (Care and Health), Devon County Council and NHS Devon CCG (ACH/20/129) on the mid-year update on the finance and performance of Adult Health and Care and in particular the impact of COVID-19 across the health and care system. The Report outlined the effective partnership working across the system which had maintained continuity of care, supporting and responding to the needs of the most vulnerable people across Devon; and the role of the voluntary and community sector which played a significant and vital part. The Report also outlined how services had been reprioritised in the short term and aligned to national guidance and restrictions.

The Chief Officer for Adult Care and Health and the Head of Service, Adult Care Operations and Health responded to Members' comments and questions relating to:

- the excellent performance of adult care staff during the pandemic and the relatively low number of fatalities in the County's residential and nursing homes;
- current numbers of adults receiving care were as follows: Older People: 5695; Physical Disability: 1462; Learning Disability: 3151; Autism: 376; and Mental Health: 1006 (as of October 2020);
- unit and demand led cost pressures across health and care services and the impact of the pandemic;
- the actual costs to local authorities and adult social care providers of the pandemic which would far outstrip the Emergency Funding made available by the Government to-date; and
- the risk of already fragile care markets failing which had significantly heightened as a result of the impacts of Covid-19.

Members expressed their concern about the impact of the funding shortfall relating to Covid-19, which was experienced widely among local authorities in the Country.

It was **MOVED** by Councillor C Wright and **SECONDED** by Councillor M Shaw and

**RESOLVED** that this Committee urges and supports the Cabinet to make representations to the Secretary of State for Health and Social Care, requesting adequate funding (the level of which to be advised by Officers) to manage the remainder of the Covid-19 pandemic; and to address the need for a long-term funding settlement for adult social care.

\* 212 **Update on the Phase 3 Elective Care Restoration Programme in Devon**

The Committee considered the Report of the Deputy Director, In house Commissioning, NHS Devon Clinical Commissioning Group on an update on the NHS Devon CCG programme for Elective Care Restoration, as part of the Devon Phase 3 Restoration Plans.

The Devon system recovery plans made progress to achieving the national ambition, but do not fully meet the requirements, due to a number of factors, including physical space and theatre loss, and measures to ensure a COVID safe environment. It detailed progress in 7 priority areas (i) outpatient appointments an impatient/day case procedures, (ii) elective waiting lists and performance; (iii) communication to patients waiting for planned care; (iv) e-referrals from primary care (v) virtual first outpatient and follow-up; (vi) use of advice and guidance/patient follow ups; and (vii) implementation of NICE self-isolation and testing guidance. The Report outlined measures to improve capacity and performance and the financial considerations.

The Associate Director and the STP Primary Care Medical Director responded to Members' comments and questions relating to:

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- whilst the position had improved, capacity and productivity were likely to come under further pressure due to continuing winter pressures and the 'second wave' of the pandemic and that the resulting back-log would have to be addressed over time;
- the benefits of the new EpicCare Link (a secure web-based portal) to utilise Document Management to transfer hospital correspondence to GPs; and communication with GP's relating to prioritisation of waiting lists according to clinical need; and
- ways of meeting the needs of patients who were unable to access digital systems.

The Chair thanked the Associate Director for his report and requested an update at a future meeting.

## \* 213 **Devon Partnership Trust CQC Inspection - Improvement Plan**

(Councillor Mandy Darling (Torbay Council, Scrutiny Lead for Health and Adult Care) spoke to this item at the invitation of the Committee relating to questions about staffing levels, the need for additional resources and provision of local inpatient beds and out of county placements).

The Committee considered the Report the Director of Corporate Affairs (DPT) on the Care Quality Commission's (CQC) planned and unannounced inspections of four of the Trust's 'core services' alongside the annual Well-Led inspection.

The CQC's published report in relation to the 2019 Core Service with Well-Led inspection highlighted key themes for the Improvement Action Plan. Action Plans had also been developed arising from the unannounced inspections.

In August 2020, a Quality Surveillance Group had been convened led by NHS England / NHS Improvement, at the request of the NHS Devon Clinical Commissioning Group, attended by Care Quality Commission, NHS England Specialist Commissioning and Devon Partnership NHS Trust. The purpose of the QSG was to consider whether the Trust had robust systems and process in place to manage the quality and safety of care.

The Trust presented the improvement action already undertaken and the progress that had been made in response to the concerns. The Quality Surveillance Group had resolved that robust assurance had been received and that no further formal action was required of the Trust. Enhanced partnership working had been agreed as an outcome of the meeting, to ensure that the Trust was supported and enabled to enact some of the changes required that were not fully in its control to deliver.

The DPT would be working closely with the CQC and Clinical Commissioners to continue to monitor progress and provide overall assurance that services were safe.

The Chief Executive (DPT) and Director of Nursing responded to Members' comments and questions relating to:

- the number of wards and Registered Mental Health Nurses across the DPT footprint and the vacancy rate for nurses of 16% and the national problems relating to recruitment and retention;
- the general shortage of inpatient provision in the region and work to provide additional inpatient resources in Torbay, work with the private sector for additional provision for women in the South West and work with the County Council community care teams to ameliorate pressures across the system with safe and effective care; and
- quality assurances and the ongoing work to support staff within the service particularly during the current pandemic.

The Chair thanked the DPT officers for their report and requested updates on progress for a future meeting.

\* 214 **Modernising Health and Care Services in the Teignmouth and Dawlish area**

Councillors J Clatworthy and A Dewhirst attended in accordance with Standing Order 25 (2) and spoke to this item. Councillor Clatworthy referred to the impending report of Healthwatch and the minimum impact on Dawlish health care services. Councillor Dewhirst referred to local community objections to the proposals (based on a range of issues) and support for the retention of care services at Teignmouth Community Hospital and the role of the Scrutiny Committee within this process.

Councillor Dewhirst also presented a petition of 2783 signatories against the proposals.

The Committee considered the Report of the Devon Clinical Commissioning Group on the progress of the consultation relating to proposals for the reconfiguration of health and care services in Teignmouth and the Dawlish area. The Report followed previous presentations and updates to this Committee.

The formal public consultation on the future delivery of services in the Teignmouth and Dawlish areas had ended on 26 October 2020, with more than 1,000 people having taken part.

Starting on 1 September 2020, the consultation had invited views and comments on a proposal by Devon Clinical Commissioning Group (CCG) that arose from plans by Torbay and South Devon NHS Foundation Trust (TSDFT)

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to build a new £8 million Health and Wellbeing Centre in the heart of Teignmouth. This would house Channel View Medical Group, the local health and wellbeing team, Volunteering in Health and possibly one of the existing Teignmouth pharmacies.

The proposal for consultation had consisted of four elements:

(i) Move the most frequently used community clinics from Teignmouth Community Hospital to the new Health and Wellbeing Centre;

(ii) Move specialist outpatient clinics, except ear nose and throat clinics, from Teignmouth Community Hospital to Dawlish Community Hospital, four miles away

(iii) Move day case procedures from Teignmouth Community Hospital to Dawlish Community Hospital; and

(iv) Continue with a model of community-based intermediate care, reversing the decision to establish 12 rehabilitation beds at Teignmouth Community Hospital

The consultation document had stated that if the proposal was approved, Teignmouth Community Hospital would no longer be needed for NHS services, and it would be likely to be sold by Torbay and South Devon NHS Trust, with the proceeds reinvested in the local NHS.

The Report outlined the consultation process, the role of Healthwatch, and evaluation of alternative options.

The Director for Out of Hospital Commissioning, CCG responded to Members' questions and discussion points included:

- ownership of the Hospital building by the Trust;
- no planning application relating to the new proposed Hub had been submitted at this point;
- due to timing the Healthwatch Report on the results of the consultation had not been completed ready for report to this meeting;
- the process to evaluate the efficacy of the different options prior to the CCG Board meeting 17 December when a decision was expected; and
- the role of this Committee in assessing the outcome of the consultation process and evaluation of proposals.

Members referred to the need for an opportunity to interrogate the evidence in the interests of transparency so the public could have confidence that the consultation was conducted with rigour and fairness before a decision was made by the Clinical Commissioning Group.

It was **MOVED** by Councillor H Ackland, **SECONDED** by Councillor M Asvachin and

**RESOLVED** that a Spotlight Review be arranged to evaluate the evidence from the final report of Healthwatch and with the benefit of sight of the evaluation process prior to a decision of the Devon Clinical Commissioning Group Governing Body expected at its meeting on 17 December 2020.

\* 215 **Devon Doctors Care Quality Commission: Improvement Plan**

The Committee considered the Report of the Chief Executive Officer of Devon Doctors on the Care Quality Commission (CQC) Inspection held in July 2020. Following the inspection, six conditions and five requirements had been placed upon the Organisation.

The Report outlined the improvements made to date against the Conditions set out by the CQC.

The Conditions related to: (i) Generating the plan, (ii) Improving the Devon NHS111 Service, (iii) Improving Out of Hours Triage; (iv) and (v) Improving Governing and Quality Processes, and (vi) Improving Patient Safety.

The CEO and Interim Associate Director of Corporate Assurance responded to Members' questions and discussion points which included.

- the need for sustained and continued improvement to give assurance that the Organisation was delivering against the Conditions and Requirements;
- processes for the oversight of patients while they were experiencing delays (comfort calling);
- Redesigned Governance and Patient Safety processes;
- oversight of the work plan with scrutiny and challenge in partnership with CCG / CQC colleagues;
- delivering change while meeting the increasing demands of seasonal illness, Covid-19, and delivering a Think 111 plan in a new location;
- staff attrition for the delivery of the 111 service improvements and the challenges of changing behaviours and practice in relation to a safe, efficient and effective triage service;
- change to governance, recruitment, patient safety, and operational processes;
- the significant level of recruitment in to 111 Health Advisors and Service Advisors roles, redesigning the recruitment and training delivery model to improve quality of call handlers within the service and reduction in the attrition rate in these staff groups;
- revised operational triage model to improve clinical efficiency of the Out of Hours service;
- monitoring of individual clinician efficiency (covering both performance and quality) within the Out of Hours service;
- reduced sickness and improved culture within the Organisation;

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- development of cultural improvement with an Organisation-wide staff survey currently being conducted which would be used to inform the detailed and longer-term cultural improvement plan; and
- development of a new approach to clinical recruitment across Devon with other partner organisations.

Members were reassured with the progress being made and ongoing work to address the concerns identified. The Chair thanked the Officers for the report and response to Members' questions and asked that a progress report be brought to a future meeting.

\* 216 **Standing Overview Group: Devon System Winter Plan / Devon Safeguarding Adults Partnership**

The Committee considered the Report of the Members (CS/20/20) on its meeting held on 23 October 2020 when it had received presentations on winter planning in the Health and Adult Care system and the work of the Devon Safeguarding Adults Partnership. The presentations covered the Devon System Winter Plan referring to the Devon Approach, COVID-19 testing, Infection Control and prevention, delivering an expanded Flu Vaccination Programme, Primary Care, Locality Winter Planning, workforce resilience, and communication and public messaging. The report outlined the issues identified by Members relating to the above.

The Group had also considered the Devon Safeguarding Adults Partnership Annual Report 2019/20.

The Committee noted the Report and requested further information on the level on the take-up of flu vaccination (information to be supplied by Public Health).

\* 217 **Work Programme**

The Committee noted the current Work Programme subject to inclusion of the topics arising from this meeting.

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

\* 218 **Information Previously Circulated**

The Committee noted the following list of information previously circulated since the last meeting:

(a) Torbay and South Devon NHS Foundation Trust Updates: 30 October, 16 October, 2 October, and 18 September 2020.



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(b) Think 111 First - a briefing on a new way to manage access to Emergency Departments.

(c) Update on MY CARE from Royal Devon and Exeter NHS Foundation Trust.

(d) Briefing from Devon Doctors Group relating to the CQC inspection report.

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

The Meeting started at 10.30 am and finished at 2.08 pm

