

*County Council*  
Thursday, 1st October, 2020



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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

23 September 2020

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 1st October, 2020 at 2.15 pm.**

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

Chief Executive

**AGENDA**

**1. Meeting Processes and Etiquette**

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

**2. Apologies for Absence**

**3. Minutes (Pages 1 - 14)**

To approve as a correct record and sign the minutes of the meeting held on 23 July 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**

9. **Proposed Extension of Shared Services Arrangement for Trading Standards - Plymouth** (Pages 15 - 26)

The Leader of the Council to move.

(a) note that the proposed renewal of the current shared Trading Standards Service arrangement with Somerset County Council and Torbay Council for a ten-year period starting from 1 April 2021 has been approved by Cabinet;

(b) note that the proposed extension of the current shared service arrangement with Somerset County Council and Torbay Council for delivery of the Trading Standards Service to also include Plymouth City Council was also approved;

(c) that, accordingly, Council approve the discharge of Plymouth City Council's Trading Standards functions as identified in paragraph 4 and Appendix 1 of this Report in accordance with s101 of the Local Government Act 1972 to be delegated to Devon County Council, recognising and accepting also

(i) responsibility for the specific delegations made to Devon County Council to support the transfer of the Relevant Functions, and

(ii) the need to extend the membership of the Trading Standards Joint Service Review Panel to include representatives of Plymouth City Council; and

(d) further note that the Head of Economy, Enterprise & Skills has been authorised to finalise and agree / amend the share service agreements with Somerset County Council, Plymouth City Council, and Torbay Council, and any other appropriate legal and financial agreements with Somerset County Council, Plymouth City Council, and Torbay Council in order for the proposed services to be provided by Devon County Council.

**SHORT RECESS**

**OTHER MATTERS**

10. **Cabinet Member Reports**

To consider reports from Cabinet Members.

## 11. Minutes

To receive and approve the Minutes of the under mentioned Committees

- (a) Audit Committee - 28 July 2020 (Pages 27 - 30)
- (b) Appointments, Remuneration and Chief Officer Conduct Committee - 30 July 2020 (Pages 31 - 32)
- (c) Appeals Committee - 7 September 2020 (Pages 33 - 34)
- (d) Procedures Committee - 15 September 2020 (Pages 35 - 42)
- (e) Investment and Pension Fund Committee - 18 September 2020 (Pages 43 - 46)
- (f) Development Management Committee - 23 September 2020  
The minutes of 23 September will be published [here](#) shortly after the meeting.
- (g) Appointments, Remuneration and Chief Officer Conduct Committee - 28 September 2020  
The minutes of 28 September will be published [here](#) shortly after the meeting.
- (h) Children's Scrutiny Committee - 8 September 2020 (Pages 47 - 52)
- (i) Health and Adult Care Scrutiny Committee - 10 September 2020 (Pages 53 - 58)
- (j) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 17 September 2020  
The minutes of the 17 September 2020 will be published [here](#) shortly.

## SHORT RECESS

## NOTICES OF MOTION

## 12. Diversity and Council Policy (Minute 297 of 23 July 2020)

To receive and consider the recommendations of the Cabinet (Minute 543b) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Connett and referred thereto in accordance with Standing Order 8(2), namely

This notice of motion acknowledges the current situation facing underrepresented groups in Devon and seeks to support the work that is taking place UK wide to tackle racism and discrimination. Statistical data shows that individuals from Black Asian & Minority Ethnic (BAME) communities are underrepresented at every level in UK society, facing issues around social and economic mobility, and educational attainment, particularly affected by implicit racial bias and institutional racism.

Council recognises the contributions of individuals from BAME communities in society, business, and infrastructure across Devon both now and historically, and will not shy away from work which seeks to remove barriers, tackle prejudice and address inequality.

In doing so the council calls for:

- The review of Devon County Council's HR and Equalities practices and the inclusion of regular training for councillors and staff, to ensure the needs of under-represented groups are met through addressing poverty and encouraging economic and social mobility.
- Work with Schools, Academies, Trusts and educationalists in Devon to explore the prospect of making changes the curriculum to include BAME experiences, contributions, and the FACTs of History, throughout the year.
- Explore the possibility of an education transformation project in conjunction with schools that creates a suite of curriculum resources specific to Devon's history.
- Lobby Government to invest and resource changes to the curriculum across the UK through the support of organisations such as The Black Curriculum and via associated campaigns.
- An advisory board put in place linked to the Equality Impact Assessment for the Covid-19 recovery plan, to connect the experiences of BAME individuals within the community with the aim of driving forward positive change.
- Encourage County-based organisations to contribute to diversity and social mobility through reviewing the Councillor Locality Grant criteria to ensure it can include (but not exclusively); projects that contribute to addressing inequalities and raising educational attainment within under-represented groups.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That Council be recommended to:

- (a) Support current and planned activities which help to:
  - (i) Enable everyone in Devon to participate in, and contribute, to its society, economy, and communities;
  - (ii) Remove barriers; and
  - (iii) Tackle prejudice and inequalities.
- (b) Request a peer challenge, based on the LGA "Local Government Equality Framework".
- (c) Encourage all mechanisms that would increase of the diversity of Councillors.
- (d) Support all Members to continue to actively engage with BAME people and organisations;
- (e) Provides advice and support to schools on how they can support students understanding of BAME experiences, their history and contributions; and
- (f) Notes that Members' Locality Budget Fund can be used to support the

diverse needs of all local communities.

**13. Black Lives Matter Campaign (Minute ref 298 of 23 July 2020)**

To receive and consider the recommendations of the Cabinet (Minute 543c) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wright and referred thereto in accordance with Standing Order 8(2), namely

This Council welcomes the peaceful protests against the murder of George Floyd at the hands of a police officer, including those organised in Barnstaple, Ilfracombe, Exeter and Plymouth - and the way these have brought to light how this much of this country's wealth was built on slavery and other racial oppression.

This Council acknowledges the recent further pain caused to the BAME community, by the Windrush Scandal.

This Council acknowledges too, that the only way this deep historical wound can be healed is by people in high profile positions (especially politicians) proving that they are listening with compassion to the BAME community – and taking necessary action.

This Council resolves to pledge its support for the Black Lives Matter campaign by:

- taking a lead among public organisations in Devon to seek out opportunities to promote and celebrate the work in Devon by BAME people, both in the past and currently.
- Inviting every Devon County Councillor to:
  1. show leadership and support for people of colour in Devon, individually supporting the Black Lives Matter movement, using whichever public platform they feel most comfortable with;
  2. speak with people from the BAME community in their wards to determine what are the issues of concern for them - and take the necessary steps to resolve those issues;
- Writing to the Secretary of State for Education urging him to:
  3. review the primary school, GCSE and A Level national curriculum with a view to ensuring that the historical record of the British Empire is treated in a way which fully takes account of slavery, the actions and views of historical figures and other oppressive experiences of BAME people, many of whose descendants are now part of our community.
  4. show compassion and understanding by starting a national debate led by the BAME community, which seeks to define racism, the impacts of it in today's society - and demonstrate how we can all help people of colour feel

fully included and welcomed in the UK (this could be part of the current government review).

5. identify a Cabinet minister champion for the BAME community.

- inviting Devon town/parish/city councils to review any landmarks, street names or statues that implicitly celebrate slavery, with a view to clarifying their history, such as the historical plaque in Exmouth for slave trader, John Colleton, who also has three streets named after him in Exeter.

NB. Motion was created with students at The Kings School, especially young BAME people.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That Council be recommended to:

- (a) Support Members to continue to find and take opportunities to promote and celebrate the role and work in Devon by BAME people past and present;
- (b) Support and encourage Members to continue to engage with BAME people;
- (c) Note that the streetnames etc are the responsibility of District Councils, however, should the County Council be involved in any such processes, the LGA guidance will be followed;
- (d) Encourage Schools, Settings, DCC Babcock LDP to write a 'Position Statement' in reference to the Black Lives Matter campaign and post clearly on their website;
- (e) Write to the Secretary of State for Education urging him to encourage schools to;
  - i. Capture the voice of children and young people and their responses to the Black Lives Matter movement;
  - ii. Ensure that the school environment and curriculum allows all students to see themselves reflected and included;
  - iii. Reflect on how they challenge historic and persisting racist ideas and to how they celebrate diversity.

**14. A Better Future For Local Government - Leadership and Finances (Minute 299 of 23 July 2020)**

To receive and consider the recommendations of the Cabinet (Minute 543d) 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**

Local Councils have seen a huge reduction of £16 billion in core grant from central Government over the last 10 years and this is now a critical tipping point.

In spite of this, in the face of the global pandemic, councils including Devon County Council have been proactively working with the NHS, Public Health England, blue light services, supporting forums, local community volunteers, and other agencies, through the Local Resilience Forum to keep people safe from Covid19.

DCC has brought and distributed personal protective equipment (PPE), and helped set up logistical operations with others, to deliver medicine and food across wide geographies, and make sure vulnerable and older people receive the care and support they need, and crucially keep our children safe.

We have yet to work through the long term impacts that this will have on Devon's economy, schools, health services, and the most vulnerable people – Devon's 20% poorest communities, those with long term disabilities and mental health issues, and our black, Asian and minority ethnic (BAME) communities.

In Devon we are now facing unprecedented levels of financial burdens unless the costs of dealing with the pandemic are properly reimbursed by central government.

**Council Believes**

A new relationship must emerge between national, regional and local government that is based on central government's genuine belief that local is best. Our local response to the pandemic has demonstrated only local government working with its partners has the intimate understanding of our communities, places, people and services to do this effectively.

Let this be the 'new normal' a relationship between local and central government roles.

DCC and our local government partners must have the finance and ability to fully respond in this new environment and to the social, educational, public health and economic impacts of COVID-19, to find effective and



efficient local solutions.

Councils have a significant opportunity and role to do things differently now in developing;

- a sustainable net zero carbon economy working with the South West (HotSW) Local Enterprise Partnership (LEP) and business leaders
- reliable broadband to the whole of Devon
- sustainable transport and enhancing our cycling and walking infrastructure
- an integrated social and health care system
- agile and flexible working
- skills for all ages; and
- significant investment in the supply of social and affordable housing

### **Council Resolves**

Devon County Council's approach for future actions must not only incorporate these seven key needs outlined but also seek more devolved powers. They must do this through representation to central government and our local members of parliament to acquire the necessary legislative and budgetary changes. Local government could then provide greater community leadership so that here in Devon we can better serve our people.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That Council be asked to:

- (a) Note the Reports contained within the appendix of the briefing report; and
- (b) Carefully consider the detail of any proposals in the forthcoming Devolution and Local Recovery White Paper when determining what actions it may wish to take to best meets the needs and interests of the people of Devon.

### **15. Food Justice**

Councillor Aves to move:

#### **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.

## 16. Devon Economy and Recovery

Councillor Atkinson to move:

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;
  - New infrastructure to support sustainable green and blue growth.

## 17. Great South West Initiative

Councillor Atkinson to move:

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.

## 18. The Protection of UK Jobs and Businesses

Councillor Hannaford to move:

### **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 over-simplistic 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.

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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**





## COUNCIL

23 July 2020

Present:-

Chair: J Mathews

Vice-Chair: M Squires

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, J Hook, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhurst, A Eastman, R Edgell, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J McInnes, B Parsons, R Peart, P Prowse, R Radford, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

### 278 Meeting Processes and Etiquette

The Council received a presentation on how the meeting would run, including processes and etiquette.

### 279 Election of Chair

Councillor Channon **MOVED** and Councillor Gribble **SECONDED** that Councillor Barker be elected Chair of Devon County Council for the remainder of the municipal year.

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

#### **COUNCILLOR BARKER THE CHAIR**

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

### 280 Appointment of Vice Chair

Councillor Scott **MOVED** and Councillor Randall Johnson **SECONDED** that Councillor Trail be appointed Vice Chair of Devon County Council for the ensuing year.

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

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

### 281 Appointment of Deputy Leader of the Council

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

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

# Agenda Item 3.

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COUNCIL  
23/07/20

## 282 Cabinet Members and Allocation of Remits

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

*"that the Council note that the Members shown in the Appendix circulated with the agenda of the meeting have been appointed to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Elections in 2021".*

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

## 283 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 20 February 2020 be signed as a correct record.

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

## 284 Announcements

The Chair announced the sad passing away of former County Councillor and Honorary Alderman Mrs Mary Turner MBE on the 15 April 2020. She had been elected to the Council in 1977 and had represented the Tiverton West Division up until 2009. She had also served on Mid Devon District Council for a number of years.

He also reported the death of a second former County Councillor and Honorary Alderman Douglas Hull who had been elected to the Council in 1974 for the former Axminster rural No. 2 Division and then in 1985 until 1989 for the former Axminster Rural Division and again in 2004 for the Axminster Division serving until 2009. He was Vice Chair of the Council in 2008/09 and was a long standing Member of East Devon District Council.

The Chair reported on the new requirements for upper tier Local Authorities from Government to develop Local Outbreak Management Plan's (LOMP) which provided a blueprint for managing coronavirus (COVID-19) outbreaks to protect residents and support the most vulnerable. He announced that Devon had been appointed as a Beacon Council for this work which meant the Council was one of 11 Local Authorities selected by the Government to help lead and share good practice across the region in respect of localised planning for outbreak control.

The Chair also placed on record his thanks and appreciation to all staff and other key partners for their hard work and dedication throughout the last few weeks. There had been some very difficult times and the strength and resilience of many individuals had shone through.

## 285 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

## 286 Appointment of Committees

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

*(a) that in accordance with Standing Order 21 the County Council appoints those Committees, Joint Committees and Working Parties/Panels as shown in the Appendix circulated with the agenda with terms of reference set out in the Council's Constitution or set out therein for the period expiring at the date of the quadrennial Elections in 2021;*

*(b) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members of the Council be appointed as voting members to those Committees, Joint*

*Committees, Joint Consultative Committees and Working Parties/Panels referred to at (a) above in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the proposed allocation of seats as between political party groups and set out for the time being in the Appendix circulated with the agenda;*

*(c) that, and in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated with the agenda for the period expiring at the date of the quadrennial Elections in 2021;*

*(d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council;*

*(e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the quadrennial elections in 2021 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors.*

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

## **287**      **Appointment of Chairs and Vice-Chairs of Committees**

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

*"that Members shown in the Appendix circulated with the agenda for the meeting be appointed Chair's and Vice-Chair's of Committees as indicated therein to hold office until the date of the quadrennial elections in 2021".*

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

## **288**      **Public Participation: Petitions, Questions and Representations**

There was no petition received from a member of the public.

There was no question from a Member of the public.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Ms Spurr on how the climate emergency is portrayed on the council web site and that it should be given a greater prominence.

The Chair thanked Ms Spurr for her contribution, acknowledging that Members of the Council had heard the representation.

## **289**      **Petitions from Members of the Council**

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

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## 290 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 19 questions submitted by Members of the Council relating to the following issues;

- delivery of the ND20 (Willingcote to Knowle section of the Tarka Trail) and relevant funding sources;
- safer cycling including air quality and section 14 notices;
- the E4 cycle routes including completion and funding;
- protocols in care homes (including the testing of residents and workers) in relation to COVID 19 infections;
- residents of care homes and the potential for a main carer to be considered a key worker and subject to the same testing regime/protocols;
- domiciliary care workers, PPE protection and testing regimes;
- the safe reopening of pre-schools, schools and colleges and measures in place for staff support as well as educational disadvantage, online learning and holiday hunger;
- the meaning of the prospectus 'Team Devon' for dealing with Devon's economic recovery from the impact of Covid 19;
- the relationship between a number of organisations including the Council, Heart of the South West Local Enterprise Partnership, Team Devon, Local Enterprise Partnership Scrutiny, Resilience Forum, Brexit Resilience and Opportunities Group (BROG) and the Greater Exeter Strategic Plan;
- how the above organisations would work together to develop a recovery strategy and implementation plan for Devon to deal with COVID 19 and leaving the EU;
- governance arrangements for scrutinising 'Team Devon';
- terms of reference for 'Team Devon';
- the 'Team Devon' prospectus and the intended funding applications;
- how the prospectus related to the funding for Heart of the South West 'shovel ready' projects already identified by the Heart of the South West;
- impact of COVID on the economic development budget;
- numbers of agricultural workers required to ensure seasonal crops harvest and the survival of farms, the effect on local farms and agriculture by Covid-19 and Brexit, appropriate PPE and safe working systems;
- the sale of the former Civic Centre building in Barnstaple;
- progress with Government in obtaining additional funding to reimburse the County Council for additional costs incurred due to the pandemic; and
- consultations on the Greater Exeter Strategic Plan and sustainable travel and access infrastructure improvements (especially in Mid Devon).

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

*[NB: A copy of the questions and answers are available on the website and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

## 291 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on specific issues upon which they had been asked to comment, as set out below:

### (a) Policy, Corporate and Asset Management

Councillor Hart circulated a Report, as requested by Councillor Dewhirst, on payment of Part 1 compensation claims to residents living along the line of the South Devon Highway. The Leader said that unfortunately, progress on resolving the compensation claims for the South

Devon Link Road had been slower than hoped, although some payments had been made. COVID had impacted on the progress as a number of site meetings were required and some agents were situated outside of the area. There were still a number of queries that needed to be resolved and additional noise measurements to be taken. The survey work was currently scheduled for September.

He also commented, as requested by Councillor Connett, on reorganisation of Local Government in Devon in terms of Unitary Council(s) in the County and was asked to give his view on the retention of the current system of district and county councils. The Leader highlighted that a White Paper was expected from Government on this matter and therefore the contents of this needed to be examined carefully before drawing any conclusions. However, the Leader said it was important that future actions of any Council in Devon needed to take into account the needs and interests of the people of Devon.

## **(b) Community, Public Health, Transportation and Environment**

Councillor Croad circulated a Report, as requested by Councillor Hook on the Councils Public Health Annual Report "Planetary and Human Health", the sections relating to 'Disease' and the impacts of human contact with animals, contaminated food and water and climate change. The Cabinet Member reported on the current position with Lyme Disease in the County and also the projected risk of malaria transmission, with Devon's coastal communities at particular risk, what was being done currently and planned works to combat the threat from the infections.

In terms of action to combat Lyme Disease, the Report focussed on the Tick Surveillance Scheme (set up by Public Health England (PHE) in 2005) which helped PHE detect the presence of species not normally resident in the UK and the Council's use of PHE's 'Be Tick Aware Toolkit' to increase knowledge of tick exposure, the potential health risks and to promote the adoption of preventative behaviours.

In relation to Malaria, PHE ran a nationwide Mosquito Surveillance Project to develop and update our understanding of the status, distribution and abundance of potential endemic vector species. The National Contingency Plan for Invasive Mosquitos outlined the actions to be taken at a local level in the event of detecting non-native invasive mosquito species in England. There were currently no local authority mosquito surveillance sites in Devon other than surveillance of a used tyre importer which was visited twice a year by the PHE medical entomology service to provide specialist support and assurance.

He then reported on the Independent Medicines and Medical Device Safety Review, as requested by Councillor Hannaford, which had focussed on a number women's health issues which had contributed to personal suffering and life changing events and how many women and children had been affected in Devon. The Cabinet Member commented that the Review was commissioned to assess the use of three medical interventions across the NHS (Primodos, sodium valproate and pelvic mesh) where patients' concerns had been dismissed. Primodos was withdrawn 40 years ago and in January 2020 the Department of Health and Social Care launched the valproate pregnancy prevention programme (<https://www.gov.uk/drug-safety-update/valproate-epilim-depakote-pregnancy-prevention-programme-updated-educational-materials>). NHS Devon Clinical Commissioning Group (CCG) had been involved in the work around pelvic mesh safety over the last two years. The CCG did not hold patient-specific information so could not give numbers, but were aware of one group of affected women and had been involved in supporting both the hospital provider and the patient group, directly and via Healthwatch.

The Care Quality Commission (CQC) would be working with the CCG to start planning the responses to the recommendations made in the Cumberland Report. More information was awaited which detailed the national improvement programme and how local areas would take forward the recommendations and report on progress. The Council would work with the CCG to ensure that recommendations were implemented, both specific to these issues and in

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general terms, recognising the Council's commitment to - and championing of - equality and diversity.

He responded to Councillor Hook on the engagement of the Council with travelling communities, commenting that there was not a single 'Traveller Community', rather a diverse range of groups with diverse needs (e.g. lack of suitable accommodation). There was strong engagement with the District Councils as housing and planning authorities and District Councils had established an increasing network of Traveller Community Forums which focussed on local permanent needs. The County Council was strongly engaged with all of these.

In the absence of such provision, there had been nowhere for people to stop in an authorised way which in turn gave rise to headlines about people stopping in high profile, unsuitable locations.

The County Council's role in the peninsula group had led to a consistent, coordinated approach to movements during pandemic restrictions and the group would continue to meet, discuss and explore different ways of working to lead to better outcomes for Travelling communities.

## **(c) Economy and Skills**

Councillor Gilbert circulated a Report, as requested by Councillor Atkinson on the UK's receipt of structural funding (£2.1 billion per year) as a Member of the European Union and the impact on and how Devon was expected to fare under the new Shared Prosperity Fund (SPF). The Cabinet Member's Report highlighted that the current EU funds had been underwritten by Government and all Devon's EU supported programmes were unaffected. Currently, there were no details on the application, use, allocation and requirements for the UKSPF. The Council had contributed to consultations on the use of the fund and had engaged with a range of partners to ensure that Devon was no worse off and that resources were allocated based on evidence of need and were applied to address inequalities.

The Cabinet Member also provided a written Report in response to Councillor Atkinson in relation to the recommendations of the Fawcett Society and the gendered impact of Covid-19 in Devon. The Report said that the Council did not have a full picture of the gender impact from Covid-19, although the impact had been greater on the male workforce. There had been a commissioned study (with SW Councils), the draft of which indicated this matter by virtue of the types of sectors most impacted from the pandemic. In terms of economic recovery, this would not be even across the County and some sectors (e.g. tourism) would take longer to recover, as well as some rural districts identified as particularly vulnerable.

The data HMRC on take up and use of the national Job Retention Scheme and Self-Employed Income Support Scheme showed nationally there was a stronger reliance from men than women. The data was only available currently at the national level. The Report outlined the number of male and female employees affected through these two schemes.

## **(d) Highways Management**

Councillor Hughes circulated a Report, as requested by Councillor Connett on the publication of a list of all the requests made by County Councillors, Parish and Town councils and residents for cycle and walking scheme projects, post Covid-19, and why they were refused. Councillor Hughes confirmed he was happy to prepare and publish such a list and circulate. He outlined that 101 applications had been received and sifted according to a number of criteria including the DfT criteria. He added that 11 schemes had met the criteria and were approved.

He also reported, as requested by Councillor Greenslade, on consultation in Barnstaple relating to traffic regulations in the town, highlighting that both local Members were consulted before proceeding with the temporary emergency active travel measures in the town. In

response to the proposal of temporary measures on the A3125 Longbridge, the measure was subsequently dropped.

Members had been consulted to confirm that the temporary pedestrianisation measures proposed for the town centre had been supported but highlighted the need to replace the disabled parking spaces. The measures in place were temporary traffic orders, however, any consideration of permanent measures would be subject to a further consultation and approval by the Highways and Traffic Orders Committee.

He also responded to questions on the Active Travel Funding and tranche two of this funding stream.

## **(e) Children's Services and Schools**

Councillor McInnes circulated a Report, as requested by Councillor Greenslade, on the readiness of Devon Schools to reopen to all pupils in September and the position with financial penalties for parents who were concerned about sending children back to school. The Report highlighted that early years settings, schools and colleges had been putting in place proportionate protective measures for children and staff, as laid out in the revised DfE guidance to minimise the risks of coronavirus (COVID-19) transmission as well as the processes in the event of anyone developing symptoms while at school. All schools were undertaking a health and safety risk assessment.

Parents and carers of children of compulsory school age, had a legal duty to provide their child with an education and the Local Authority would work with parents to support children back into schools. Where children were not able to attend school (due to medical and/or public health advice), the absence would not be penalised.

The Cabinet Member also responded to questions on a response to his letter to Government, the current position with Education, Care and Health Plans (ECHP's) and the impact on transitions and additional funding for schools to assist with space and additional buildings.

## **(f) Infrastructure Development and Waste**

Councillor Davis circulated a Report, as requested by Councillor Connett, on the quality of information provided to residents by Jacobs with regard to works on the A379 near Matford Mews. She outlined the normal practices for alerting residents and businesses as well local Members and the Parish Council. In this case, there had been technical issues with a phone number provided, but Jacobs had resolved the issue and had also set up a mobile phone number which Local Members and the Parish Council had been made aware of should any future issues arise.

## **292 Minutes**

The Chair of the Council **MOVED** and it was **SECONDED** that in accordance with Standing Order 30, Standing Order 13.2 be suspended to permit the minutes of all Committee's to be formally moved by the Chair of the Council and subsequently adopted.

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

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

Appeals Committee	-	20 February, 9 March 2020 & 13 July 2020
Audit Committee	-	27 February 2020
Investment & Pension Fund Committee	-	28 February & 19 June 2020
<i>Including minute 180 relating to the voting rights for union representation on the committee</i>		
Public Rights of Way Committee	-	5 March 2020

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Development Management Committee	-	18 March 2020
Standards Committee (Assessment Sub)	-	7 July 2020
Appointments & Remuneration Committee	-	21 July 2020
Health & Adult Care Scrutiny	-	12 March & 16 July 2020
Children's Scrutiny	-	16 March & 9 June 2020
Corporate Infrastructure & Regulatory Services Scrutiny	-	24 June 2020

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

## 293 Scrutiny Annual Report 2019/20

The Council received and endorsed the 2019/20 Annual Report summarising the activities and investigations undertaken by each of the Council's three Scrutiny Committees during the course of the year, the outcomes arising and the continuing challenges and development of the Scrutiny role over that period.

The Report also highlighted the publication of the long awaited statutory guidance for Scrutiny and the actions taken in response to that. In addition, that each Committee now had a Standing Overview Group, including the dedicated Climate Change Group, acting as a critical friend to support how Devon took forward its actions in response to the climate emergency.

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

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

[NB: A copy of the Annual Report was available on the website at <https://democracy.devon.gov.uk/documents/s30368/2019-2020%20Scrutiny%20Annual%20Report.pdf>)

## 294 Totnes and Littlehempston Cycle / Footpath Scheme and the Council's Cycling and Multiuse Trail (Minute 275 of 20 February 2020)

Pursuant to County Council Minute 275 of 20<sup>th</sup> February 2020 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

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

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



4. *thereby support DCC's declaration of a climate emergency*

and having had regard to the advice of the Cabinet set out in Minute 478 of 11 March 2020:

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

(a) no further work is undertaken on investigating whether the footbridge could be used by the public and the development of a multi-use trail to Littlehempston and Newton Abbot; and

(b) Compulsory Purchase Order for Bulliver Bridge should not be pursued as it cannot be justified.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Hodgson then **MOVED** and Councillor Shaw **SECONDED** that the Motion be amended to read as follow;

(a) *that Council be recommended to reconsider the Cabinet Recommendation in the light of the new health and wellbeing needs brought about by the COVID-19 pandemic; and*

(b) *support local initiatives for multiuse trail routes from Totnes to Littlehempston (and on to Newton Abbot) and Totnes to Stoke Gabriel (and on to Torbay) through Government funding that seeks to implement Active Travel measures that will assist behaviour changes through increased safe pedestrian and cycling provision.*

The amendment in the name of Councillor Hodgson was then put to the vote and declared **LOST**.

Councillor Hook then **MOVED** and Councillor Dewhirst **SECONDED** that the Motion amended by the addition of (c) as outlined below;

(c) *In the interest of maintaining this scheme and keeping this motion alive, this authority enters into negotiations with the royal engineers and invites them to undertake a training exercise by constructing a bailey bridge across the River Dart in an appropriate position, thus satisfying local Members' ambition to keep this scheme alive.*

The amendment in the name of Councillor Hook was then put to the vote and declared **LOST**.

The motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

295

**Support to Town and Parish Councils and Speed Awareness Signs (Minute 277 of 20 February 2020)**

Pursuant to County Council Minute 277 of February 2020 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that:

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

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*the number and location of the 'vehicle activated speed awareness' signs with Parish and Town Councils."*

and having had regard to the advice of the Cabinet set out in Minute 490 of 8 April 2020:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Council note that the process by which Parish and Town Councils can fund and install their own VAS (Vehicle Activated Signs) be reviewed as part of the work of the Traffic Speed Project Group.

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

## **296 Future Meetings and Commitment to Increased Virtual Meetings**

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

*'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.*

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

## **297 Diversity and Council Policy**

Councillor Connett **MOVED** and Councillor Way **SECONDED**

*This notice of motion acknowledges the current situation facing underrepresented groups in Devon and seeks to support the work that is taking place UK wide to tackle racism and discrimination. Statistical data shows that individuals from Black Asian & Minority Ethnic (BAME) communities are underrepresented at every level in UK society, facing issues around social and economic mobility, and educational attainment, particularly affected by implicit racial bias and institutional racism.*

*Council recognises the contributions of individuals from BAME communities in society, business, and infrastructure across Devon both now and historically, and will not shy away from work which seeks to remove barriers, tackle prejudice and address inequality. In doing so the council calls for:*

- *The review of Devon County Council's HR and Equalities practices and the inclusion of regular training for councillors and staff, to ensure the needs of under-represented groups are met through addressing poverty and encouraging economic and social mobility.*
- *Work with Schools, Academies, Trusts and educationalists in Devon to explore the prospect of making changes the curriculum to include BAME experiences, contributions, and the FACTs of History, throughout the year.*
- *Explore the possibility of an education transformation project in conjunction with schools that creates a suite of curriculum resources specific to Devon's history.*
- *Lobby Government to invest and resource changes to the curriculum across the UK through the support of organisations such as The Black Curriculum and via associated campaigns.*

- *An advisory board put in place linked to the Equality Impact Assessment for the Covid -19 recovery plan, to connect the experiences of BAME individuals within the community with the aim of driving forward positive change.*
- *Encourage County-based organisations to contribute to diversity and social mobility through reviewing the Councillor Locality Grant criteria to ensure it can include (but not exclusively); **projects that contribute to addressing inequalities and raising educational attainment within under-represented groups.***

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

## 298 **Black Lives Matter Campaign**

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

*This Council welcomes the peaceful protests against the murder of George Floyd at the hands of a police officer, including those organised in Barnstaple, Ilfracombe, Exeter and Plymouth - and the way these have brought to light how this much of this country's wealth was built on slavery and other racial oppression.*

*This Council acknowledges the recent further pain caused to the BAME community, by the Windrush Scandal.*

*This Council acknowledges too, that the only way this deep historical wound can be healed is by people in high profile positions (especially politicians) proving that they are listening with compassion to the BAME community – and taking necessary action.*

*This Council resolves to pledge its support for the Black Lives Matter campaign by:*

- *taking a lead among public organisations in Devon to seek out opportunities to promote and celebrate the work in Devon by BAME people, both in the past and currently.*
- *Inviting every Devon County Councillor to:*
  1. *show leadership and support for people of colour in Devon, individually supporting the Black Lives Matter movement, using whichever public platform they feel most comfortable with;*
  2. *speak with people from the BAME community in their wards to determine what are the issues of concern for them - and take the necessary steps to resolve those issues;*
- *Writing to the Secretary of State for Education urging him to:*
  3. *review the primary school, GCSE and A Level national curriculum with a view to ensuring that the historical record of the British Empire is treated in a way which fully takes account of slavery, the actions and views of historical figures and other oppressive experiences of BAME people, many of whose descendents are now part of our community.*
  4. *show compassion and understanding by starting a national debate led by the BAME community, which seeks to define racism, the impacts of it in today's society - and demonstrate how we can all help people of colour feel fully included and welcomed in the UK (this could be part of the current government review).*

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5. *identify a Cabinet minister champion for the BAME community.*
- *inviting Devon town/parish/city councils to review any landmarks, street names or statues that implicitly celebrate slavery, with a view to clarifying their history, such as the historical plaque in Exmouth for slave trader, John Colleton, who also has three streets named after him in Exeter.*

*NB. Motion created with students at The Kings School, especially young BAME people.*

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

## **299 A Better Future For Local Government - Leadership and Finances**

Councillor Hannaford **MOVED** and Councillor Ackland **SECONDED**

### **Council Notes**

*Local Councils have seen a huge reduction of £16 billion in core grant from central Government over the last 10 years and this is now a critical tipping point.*

*In spite of this, in the face of the global pandemic, councils including Devon County Council have been proactively working with the NHS, Public Health England, blue light services, supporting forums, local community volunteers, and other agencies, through the Local Resilience Forum to keep people safe from Covid19.*

*DCC has brought and distributed personal protective equipment (PPE), and helped set up logistical operations with others, to deliver medicine and food across wide geographies, and make sure vulnerable and older people receive the care and support they need, and crucially keep our children safe.*

*We have yet to work through the long term impacts that this will have on Devon's economy, schools, health services, and the most vulnerable people – Devon's 20% poorest communities, those with long term disabilities and mental health issues, and our black, Asian and minority ethnic (BAME) communities.*

*In Devon we are now facing unprecedented levels of financial burdens unless the costs of dealing with the pandemic are properly reimbursed by central government.*

### **Council Believes**

*A new relationship must emerge between national, regional and local government that is based on central government's genuine belief that local is best. Our local response to the pandemic has demonstrated only local government working with its partners has the intimate understanding of our communities, places, people and services to do this effectively.*

*Let this be the 'new normal' a relationship between local and central government roles.*

*DCC and our local government partners must have the finance and ability to fully respond in this new environment and to the social, educational, public health and economic impacts of COVID-19, to find effective and efficient local solutions.*

*Councils have a significant opportunity and role to do things differently now in developing;*

- *a sustainable net zero carbon economy working with the South West (HotSW) Local Enterprise Partnership (LEP) and business leaders*
- *reliable broadband to the whole of Devon*
- *sustainable transport and enhancing our cycling and walking infrastructure*
- *an integrated social and health care system*
- *agile and flexible working*
- *skills for all ages.*
- *significant investment in the supply of social and affordable housing*

### **Council Resolves**

*Devon County Council's approach for future actions must not only incorporate these seven key needs outlined but also seek more devolved powers. They must do this through representation to central government and our local members of parliament to acquire the necessary legislative and budgetary changes. Local government could then provide greater community leadership so that here in Devon we can better serve our people.*

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

[NOTES:

*The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.*

*Minutes should be read in association with any Reports or documents referred to therein, for a complete record. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]*

The Meeting started at 2.15 pm and finished at 6.40 pm



## **Proposed Extension of Shared Services Arrangement for Trading Standards**

Report of the Head of Economy, Enterprise and Skills

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

Recommendations:

- (a) that approval be given to the proposed renewal of the current shared Trading Standards Service arrangement with Somerset County Council and Torbay Council for a ten-year period starting from 01 April 2021;
- (b) that approval be given to the proposed extension of the current shared service arrangement with Somerset County Council and Torbay Council for delivery of the Trading Standards Service to also include Plymouth City Council;
- (c) that accordingly the Council approve the discharge of Plymouth City Council's Trading Standards functions as identified in paragraph 4 and Appendix 1 of this Report in accordance with s101 of the Local Government Act 1972 to be delegated to Devon County Council, recognising and accepting also (i) responsibility for the specific delegations made to Devon County Council to support the transfer of the Relevant Functions, and (ii) the need to extend the membership of the Trading Standards Joint Service Review Panel to include representatives of Plymouth City Council;
- (d) that the Head of Economy, Enterprise & Skills be authorised to finalise and agree / amend the share service agreements with Somerset County Council, Plymouth City Council, and Torbay Council, and any other appropriate legal and financial agreements with Somerset County Council, Plymouth City Council, and Torbay Council in order for the proposed services to be provided by Devon County Council.

### **1. Summary**

This report summarises a proposal for a renewal of the Legal Agreement to the joint Devon County Council, Somerset County Council & Torbay Council Shared Trading Standards Service for 10 years from 01 April 2021. It also proposes an extension of the Joint Service to include Plymouth City Council. The Full Business Case can be made available on request.

The report asks for approval in principle of the renewal and extension of the Joint Service Legal Agreement, subject to oversight of the final Legal Agreement by the Joint Service Review Panel.

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The previous Somerset agreement was approved pursuant to Minute 200 of the County Council, 24 April 2013 and the Torbay agreement pursuant to County Council Minute 98, 27 April 2017.

## **2. Background**

On 1 May 2013, Devon County Council formally entered into a shared service agreement with Somerset County Council for the provision of a joint Trading Standards Service. Devon County Council agreed to host the Joint Service and the ex-Somerset staff transferred across under TUPE arrangements. On 1 May 2017, the shared service agreement was extended to include Torbay Council and the ex-Torbay staff also transferred across under TUPE arrangements

The Joint Service has widely been held to be a success with regular reports to the Joint Service Review Panel (created as a cross-council governance group) and attendance at a number of Scrutiny Committees for both Councils.

The four authorities involved in the proposals presented in this report, like many others nationally, face similar challenges in ensuring that their regulatory services continue to meet customer needs at a time of significant financial pressure, regulatory change and increasing demand and expectations. One of the objectives of the Joint Service was to develop the capability to respond to possible changes in role, scope or budget by expanding the scope of the service either geographically and/or by broadening the range of functions within its remit.

During the financial year 2019/2020, discussions were initiated between the Devon, Somerset, Torbay and Plymouth councils and an initial report was submitted to relevant Members of each Authority. In Devon, an Outline Business Case was presented to Councillor Rufus Gilbert, Cabinet Member for Community and Environmental Services. A Heads of Terms was agreed with the Joint Service Review Panel (JSRP) and signed by the Authorised Representative (senior officer representative on JSRP) in each Council.

It was agreed that the project should proceed to the completion of a Full Business Case in respect of the proposal and project governance has been through the Joint Service Review Panel.

## **3. The Current Arrangements**

The current Joint Service is predominantly funded through partner contributions established initially by a comparison of the individual budget ratios per capita, per business and per consumer complaint. Future contributions are then set annually against these ratios and adjusted to include inflationary pay increases. Provision is made for the sharing of any redundancy or exceptional costs. Any underspend or excess income is paid back to partner authorities according to the same ratio weighting.

A comparison of the type of activities covered by Devon, Somerset & Torbay Trading Standards Service and the Plymouth Trading Standards Team has shown that there is a significant alignment between the priorities of the two services. The main exception to this is Animal Health and Agriculture work which is a key activity overall for Devon, Somerset & Torbay Trading Standards Service (DST TSS) but understandably requires far less resource in Plymouth. Other differences of note are that Plymouth City Council would retain responsibilities for petroleum and explosives



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licensing, safety of sportsgrounds and simple food standards work (more complex food standards issues would be referred to the new joint service where the expertise in this area of work would sit). These latter differences are due to the fact that in Plymouth City Council the activities are currently carried out by other teams such as Environmental Health.

After making an adjustment for Animal Health, Agriculture and the other activities retained by Plymouth City Council then the budgets and staffing levels are broadly in line with the customer (population and business) base of the two services. In respect of ICT, both services currently use the same main operational database and reporting system. Consequently, the merging of data and standardisation of system usage will be easier in the future.

In reviewing the proposed shared service, a prime consideration has been the Government's promotion of collaborative approaches. As funding streams to local authorities reduce, it is essential to identify more efficient and cost-effective ways of providing services. Delivery of certain trading standards functions has always benefited from working on a larger scale; providing the resource base and the flexibility to deal with complex investigations or emergency situations, allowing for the range of specialist expertise needed to cover the broad range of functions within its remit and having the necessary "clout" to tackle major organisations.

Business Support is a key function for both current Services. However, the resources required to deliver this are offset to some degree by the generation of income through the commercialisation of certain activities and the opportunities to apply for central government grant funding providing the service has the requisite specialist expertise. In DST TSS a significant amount of income is generated to support its base budget, in the financial year 2019/2020 this was 21% (as calculated for Association of Chief Trading Standards Officers Impacts & Outcomes report 2019/20). For Plymouth Trading Standards Service (PTSS) the equivalent figure was 9%. It is believed that the proposed combination of resources will allow further development of these activities, particularly in the more densely business populated urban area of Plymouth. The alignment of business support activities across the Heart of the South West, Local Enterprise Area is also felt to be a significant advantage not only making delivery easier and more cost effective but also improving consistency and accessibility of support and advice for businesses.

## **4. The Proposed Arrangements**

It is proposed that the joint Trading Standards Service covering Devon, Somerset and Torbay be extended to include Plymouth. As Devon County Council is the current employing organisation, it is proposed that Plymouth staff, 8.29 FTEs (9 individuals) TUPE transfer to Devon County Council, on 01 April 2021

It is also proposed that the current contract between Devon, Somerset and Torbay be renewed for a further 10-year period, to take effect from 01 April 2021.

The functions to be transferred across from each partner authority to Devon County Council are listed in Appendix 1 to this report. They vary slightly due to the different existing structures currently in place for delivery of regulatory services within the two Unitary Councils.

The funding arrangements would remain similar to those currently in place but adjusted to include PTSS. The Joint Service Review Panel has given consideration to the length of time over which future budgets for the Joint Service should be set

# Agenda Item 9.

and has agreed that 3 years was an appropriate length of time. This balances the need for a degree of operational stability whilst ensuring that the Service can still effectively respond to uncertain funding pressures in the future. This funding set-up is not unique and longer-term budgets have been set for other “arms-length” local authority delivery models.

The Joint Service will maintain its current offices in Devon, Somerset and Torbay and will also retain a presence in Plymouth; in order to be close to its customers, to ensure it can respond quickly to any urgent matters, to minimise travel costs and to minimise disruption to staff. It is not anticipated that any staff will be required to relocate as part of the merger.

The Plymouth staff would move into the existing Devon, Somerset and Torbay team structure: no redundancies are proposed as a direct result of this merger.

Although the extension of the Joint Service is not predicated on a reduction in costs, the local authorities involved will all have or be setting medium term financial plans (MTFP) in place. It is anticipated that the Joint Service approach could more efficiently deliver any savings required whilst still maintaining an acceptable level of service. It is extremely unlikely that any significant level of saving could be achieved by the services operating individually, without impacting significantly on front-line service delivery and the ability to continue to meet statutory requirements and customer needs.

Non-financial benefits from a shared service will include:

- greater resilience in the combined service in respect of service delivery, professional expertise and knowledge and the ability to respond to major incidents
- “greater clout” in tackling major investigations
- improved intelligence sharing
- economies of scale from shared expertise and an opportunity to develop greater specialisms; to more effectively service the communities of Devon, Somerset, Torbay and Plymouth whilst still maintaining local responsiveness, choice and identity
- maintaining achievement of key outcomes in the face of any reduced budget over the next three years
- maintaining the ability of all four councils to fulfil statutory obligations
- an easily accessible and consistent approach for those businesses that cover the Heart of the South West Local Enterprise Partnership area
- greater efficiency in training and maintenance of staff competencies.

It is also envisaged that this might be the starting point for further opportunities to provide managed services or commissioned activities for other authorities in the south west region.

The Joint Service Review Panel, in its advisory capacity to Devon, Somerset and Torbay Councils, has considered the Full Business Case and recommended that approval be given to the proposed extension of the current shared service arrangement for Trading Standards.

As in 2013 and 2017 the approval of the full Council will also be required to transfer these trading standard functions to be discharged by Devon County Council.

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Subject to Cabinet's approval of the Recommendations in this Report, full Council approval to the transfer of these trading standards functions will be sought on 01 October 2020.

## **5. Consultations/Representations**

Staff members have been kept informed throughout. Formal consultation with Unions and relevant staff members of each Authority has been undertaken.

Key external stakeholders have also been consulted.

## **6. Financial Considerations**

The current Shared Service has a gross budget of £3.7m with 72.4 full time equivalent staff. The Plymouth service will add in the region of £0.4m and 8.29 staff to the arrangement.

Some financial savings are anticipated in the first year which will cover the costs of the integration of the ICT data systems, more closely align working practices and developing future income streams. There is then the potential to deliver savings in future years, mostly relating to increased income recovery over the remainder of the contract. The use of the savings will be balanced with the need to invest in regulatory change against the savings requirements for each partner authority. Further details are available in the Full Business Case.

The terms of savings and extraordinary cost sharing is set out in the contract and on an agreed % basis similar to the current Devon, Somerset and Torbay arrangement.

No VAT risks have been identified.

The staff that TUPE across will continue to participate in the Devon LGPS scheme albeit as employees of DCC rather than Plymouth. There will be no impact on the pension funding arrangements for either authority.

No assets will transfer.

## **7. Environmental Impact Considerations (including Climate Change)**

No significant impact identified.

## **8. Equality Considerations**

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

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

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/

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new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

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

In progressing this particular proposal an Impact Assessment has been undertaken as part of the full business case, as was the case with the Devon and Somerset joint service arrangements. This has been circulated separately to Cabinet Members and also is available on the Council's website at

<https://www.devon.gov.uk/impact/tradingstandards-sharedservices-extension/>, which Members will need to consider for the purposes of this item.

No significant equality impact has been identified.

## **9. Legal Considerations**

The lawful implications of the proposed course of action have been considered and taken into account in the preparation of this report. Section 101 of the Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly, where arrangements are in force for them to do so.

## **10. Risk Management Considerations**

A risk assessment of the proposal has been undertaken and is set out in Section 6 of the Full Business Case. All necessary actions have been taken to safeguard the Council's position. Such actions will minimise the potential adverse impact in these areas and the overall risk is not felt to be significant.

## **11. Public Health Impact**

Due to a greater resource base and opportunities to specialise and develop expertise, a Joint Service will be more readily able to contribute to the Public Health Agenda.

## **12. Options/Alternatives**

There are specific legal and logistical difficulties in the outsourcing of local authority regulatory services to the private sector. These along with the option to continue with separate services were considered at the Outline Business Case stage. In the case of the latter option, this was rejected on the basis that the net benefits of a Joint Service significantly outweighed those of separate services. The Full Business Case confirms this.

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

This report recommends extending the full shared service arrangement with Somerset and Torbay Councils for a further 10 years from the 01 April 2021. It also recommends extending the arrangement to include Plymouth City Council from the same date and for the same period of time. Once the immediate period of forming the new Service is bridged, it is anticipated that there will be significant benefits,

# Agenda Item 9.

both financial and non-financial, to all four local authorities, to officers, other direct stakeholders and the wider community.

Both serving Heads of Trading Standards (for Devon, Somerset & Torbay and for Plymouth) are of the opinion that the current Services are relatively well matched in terms of pro-rata resources and believe that the financial and non-financial benefits of extending overall capacity and of mirroring the geographical footprint of the Heart of the South West Local Enterprise Partnership significantly outweigh any dis-benefits and set-up costs.

In addition, the proposed approach is wholly consistent with Government thinking. It places the Joint Service in a strong strategic position within the South West region as a centre of excellence for business support. It has the potential to realise further savings and generate greater income and represents a pragmatic approach to cost efficiencies and maximising scarce staff resources.

Keri Denton  
Head of Economy, Enterprise and Skills

Electoral Divisions: All

Cabinet Member for Economy and Skills: Councillor Rufus Gilbert

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

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

Contact for Enquiries: Paul Thomas

Tel No: 01392 383000 Room: L20, County Hall, Exeter. EX2 4QD

<b>Background Paper</b>	<b>Date</b>	<b>File Reference</b>
Trading Standards Joint Service Full Business Case	September 2020	PT
Equality Impact Assessment	September 2020	

pt210820cab Proposed Extension of Shared Services Arrangements for Trading Standards Final

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## **Appendix 1 – Legislation enforced by Trading Standards and to be discharged by DCC unless otherwise stated**

\* denotes functions to be retained by PCC

\*\*denotes functions to be retained by PCC and TC

N.B. Enforcement of Food Safety legislation will be shared in line with the current Food Law Code of Practice (England) (see <https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>) with the Trading Standards Service acting as if a “County Council Competent Authority” in a two-tier local Authority area, with the exception that in Plymouth City Councils’ area the conduct of routine risk based inspections under Food Safety law will be retained by PCC. This does not include targeted sampling programmes.

Accommodation Agencies Act 1953

Administration of Justice Acts 1970 and 1985

Agriculture Act 1970

Agriculture (Misc. Provisions) Act 1968

Animal Health Acts 1981 and 2002

Animal Health & Welfare Act 1984

Animal Welfare Act 2006

Animals Act 1971

Anti-Social Behaviour Act 2003

Architects Act 1997

Business Protection from Misleading Marketing Regulations 2008

Cancer Act 1939

Charities Acts 1992 & 2006

Children and Young Persons Act 1933

Children & Young Persons (Protection from Tobacco) Act 1991

Clean Air Act 1993

Companies Acts 1985 and 2006

Companies Directors Disqualification Act 1986

Companies (Trading Disclosures) Regulations 2008

Consumer Contracts (Information, Cancellation & Additional Charges) Regulations 2013

Consumer Credit Acts 1974 and 2006

Consumer Protection Act 1987

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights Act 2015

Consumers, Estate Agents & Redress Act 2007

Control of Pollution Act 1974

Copyright, Designs and Patents Act 1988

Courts and Legal Services Act 1990

Crime & Disorder Act 1988

Criminal Attempts Act 1981

Criminal Justice Act 1988

Criminal Justice & Police Act 2001

Criminal Law Act 1977

Crossbows Act 1987

Customs and Excise Management Act 1979

Development of Tourism Act 1969

Dogs Act 1906

Dogs (Amendment) Act 1928

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Education Reform Act 1988  
Employment Agencies Act 1973  
Energy Act 1976  
Energy Conservation Acts 1981 and 1996  
Energy Efficiency (Private rented Property) (England and Wales) Regulations 2015  
Energy Performance of Buildings (England and Wales) Regulations 2012  
Enterprise Act 2002  
Environmental Protection Act 1990  
Estate Agents Act 1979  
\*\*Explosives Acts 1875 and 1923  
Explosives (Age of Purchase) Act 1976  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
\*\*Fire & Safety and Places of Sport Act 1987  
\*\*Fireworks Acts 1951, 1964 and 2003  
Food & Environment Protection Act 1985  
Food Safety Act 1990  
Forgery & Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Hallmarking Act 1973  
Health and Safety at Work Etc., Act 1974  
Housing Act 2004  
Health Protection (Coronavirus, Restrictions) (No2) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (No3) (England) Regulations 2020  
Housing Act 2004  
Housing and Planning Act 2016  
Insolvency Act 1986  
Intellectual Property Act 2014  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Legal Services Act 2007  
Licensing Act 2003  
Magistrates Courts Act 1980  
Malicious Communications Act 1988  
Medicines Act 1968  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Offshore Safety Act 1992  
Olympic Symbol etc., (Protection) Act 1995  
Package Travel, Package Holidays and Package Tours Regulations 1992  
Pesticides (Fees & Enforcement) Act 1989  
\*Petroleum (Consolidation) Regulations 2014  
Poisons Act 1972  
Prices Acts 1974  
Proceeds of Crime Act 2002  
Protection from Harassment Act 1997  
Protection of Animals Act 1911  
Psychoactive Substances Act 2016  
\*Public Health Act 1961 (S73)  
Registered Designs Act 1949  
Regulatory Enforcement & Sanctions Act 2008  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988

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Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Offenders Act 1988  
\*\*Safety of Sports Ground Act 1975  
Scotch Whisky Act 1988  
Solicitors Act 1974  
Telecommunications Act 1984  
Tenant Fees Act 2019  
Theft Acts 1968 & 1978  
Theft (Amendment) Act 1996  
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010  
Tobacco Advertising & Promotion Act 2002  
Tobacco Products Duty Act 1979  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Acts 1958 & 1972  
Trading Schemes Act 1996  
Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services (Amendment) Act 1975  
Video Recordings Acts 1984 & 2010  
Weights and Measures etc., Act 1976  
Weights and Measures Act 1985  
Welfare of Animals at Slaughter Act 1991

And all relevant legislation made under the European Communities Act 1972 and Reenabled by the European Union (Withdrawal Agreement) Act 2020 including (inter alia):

Animal By-Products (Enforcement) (England) Regulations 2013  
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015  
Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015  
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013  
Condensed Milk and Dried Milk (England) Regulations 2015  
Contaminants in Food (England) Regulations 2013  
Electromagnetic Compatibility Regulations 2006  
Fish Labelling Regulations 2013  
Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2009  
Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Compositional Requirements) (Amendment etc.) (England) Regulations 2020  
Food Information Regulations 2014  
Food Safety and Hygiene (England) Regulations 2013  
Fruit Juices and Fruit Nectars Regulations 2013  
Materials and Articles in Contact with Food (England) regulations 2012  
Organic Products Regulations 2009  
Personal Protective Equipment (Enforcement) Regulations 2018  
Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011  
Pressure Equipment Regulations 1999  
Pyrotechnic Articles (Safety) Regulations 2015  
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000  
Recreational Craft Regulations 2004  
Simple Pressure Vessels (Safety) Regulations 1991



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Spirit Drinks Regulations 2008

Supply of Machinery (Safety) Regulations 2008

Transmissible Spongiform Encephalopathies (England) Regulations 2018

And any legislation made amending or re-enacting or extending the same or any other legislation relating to Trading Standards and/or weights and measures functions of local authorities



## AUDIT COMMITTEE

28 July 2020

Present:-

Councillors I Hall (Vice-Chair), R Peart, A Saywell, J Mathews (Chair) and G Sheldon

Apologies:-

Councillors J Berry and J Brazil

\* 86

**Minutes**

**RESOLVED** that the Minutes of the meeting held on 27 February (previously circulated) be signed as a correct record

\* 87

**Items Requiring Urgent Attention**

88

**Addendum to external audit plan for the County Council to reflect the implications of COVID-19**

The Committee received an addendum to the report of Grant Thornton setting out the external auditors' audit plan for Devon County Council covering 2019/20. The addendum reflected the implication of COVID-19 on the audit approach.

The changes to the audit approach include:

- Identifying a new significant financial statement risk
  - Reviewing the materiality levels we determined for the audit.
- No changes to the materiality assessment as a result of the risk identified due to Covid19 were identified.

The VfM risk assessment was updated to document the understanding of arrangements to ensure critical business continuity in the current environment. No new VfM risks in relation to Covid-19 in the 2019/20 financial year were identified.

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

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

89

**Addendum to External Audit Plan for the Pension Fund to reflect the implications of COVID-19**

The Committee received an addendum to the report of Grant Thornton setting out the external auditors' audit plan for The Devon Pension Fund covering 2019/20. The addendum reflected the implication of COVID-19 on the audit approach.

The changes to the audit approach include:

- Identifying a new significant financial statement risk
  - Reviewing the materiality levels we determined for the audit.
- No changes to the materiality assessment as a result of the risk identified due to Covid19 were identified.

# Agenda Item 11.(a)

AUDIT COMMITTEE  
28/07/20

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Saywell and  
**RESOLVED** that the report and findings be noted.

## 90 **External Audit Update**

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

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Saywell and  
**RESOLVED** that the report and findings be noted.

## 91 **Risk Management Annual Report 2020/21**

The Committee considered the Report of the County Treasurer (CT/20/62) which sets out the Risk Management Policy and Strategy for 2019/20.

The Committee welcomed particularly the .

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

- (a) that the Committee notes the changes and updates to the risk management process as supported by Devon Audit Partnership;
- (b) that Members note the roles and responsibilities identified in the update report and the revised Risk Management Policy and Strategy;
- (c) that the Committee notes the current risk position for all risks;
- (d) that Members note the 11 risks currently ranked the highest;
- (e) that the relevant Scrutiny Committees be invited to review the latest position on the top 11 risks.

## 92 **Annual Internal Audit Report 2019/20**

The Committee received the Report of the County Treasurer (CT/20/63) on the performance of Devon Audit Partnership against the internal audit plans for 2019/20, concluding that internal audit was able to provide significant assurance on the adequacy and effectiveness of the Council's internal control framework.

The Members of the Committee raised the issue of the progress of auditing ICT Key Financial Systems. Members were told they would be updated on this area.

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Peart and  
**RESOLVED**

- (a) that the internal audit opinion that the Council's systems contain a satisfactory level of internal control be noted;
- (b) that the satisfactory performance and achievements of Devon Audit Partnership during 2019/20 be noted.

**93 Control Environment for Devon County Council**

The Committee received the Report of the County Treasurer (CT/20/64) on the yearly requirement of the Audit Committee and Section 151 Officer to respond to enquiries from the external auditors (Grant Thornton) regarding the overall control environment of the Council, with particular focus on the arrangements in place to ensure that the production of the financial statements were free of material error.

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

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

**RESOLVED**

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

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

**94 Annual Governance Statement 2019/20**

The Committee considered the Report of the Leadership Group (CS0/20/13) on the Annual Governance Statement which the Council was required to publish in accordance with CIPFA/SOLACE guidance and to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015.

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

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

**RESOLVED** that the Annual Governance Statement for 2019/20 be approved and the Chair be authorised to sign the Statement.

**95 Audit Committee Annual Plan 2020**

The Committee to note the Annual Plan and forthcoming business, attached.  
Minutes:

The Committee noted the current Work Programme and

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

**RESOLVED** that the current outline Work Programme be noted.

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

The Meeting started at 14:15 and finished at 15:10



## APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

30 July 2020

Present:-

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

Dame Suzie Leather – Chair of the Devon STP  
Debbie Stark – South West Deputy Director PHE  
Anita Parkin – Faculty Lead Director of Public Health

Apologies:-

Councillors N Way

\* **60**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 21 July 2020 be signed as a correct record.

\* **61**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **62**      **Director of Public Health - Process to date**

The Committee received and noted a Report on the recruitment process to date for attracting eligible candidates for the post of Director of Public Health.

\* **63**      **Exclusion of the Press and Public**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes 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 they involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely relating to any 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.

**64**      **Appointment of Director of Public Health**

The Committee interviewed one candidate for the post of Director of Public Health with a view to making a recommendation upon an appropriate appointment to the County Council on 1<sup>st</sup> October 2020.

The process was undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement, Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution), S73A of the National Health Services Act 2006 and the guidance issued by the Faculty of Public Health and Public Health England on the appointment and remuneration of the Director of Public Health.

# Agenda Item 11.(b)

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
30/07/20

The interviews having been completed and the suitability of the candidates for the post having been fully discussed and all relevant factors having been considered and taken into account and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

It was **RESOLVED** that the press and public be now re-admitted to the meeting.

It was further **RESOLVED** nem. con, that the Council be recommended to appoint Steve Brown to the post of Director of Public Health on a salary range of £99,537 - £113,860 (which includes the recommended supplement of £10,000 to recognise the size of Devon's population), commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

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

The Meeting started at 10.30 am and finished at 12.45 pm



## APPEALS COMMITTEE

7 September 2020

### Present:-

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

### Apologies:-

Councillors P Twiss

\* 180

### Minutes

**RESOLVED** that the minutes of the meeting held on 13 July 2020 be signed as a correct record.

\* 181

### Covid 19 - Members Risk Assessment Route Walks

**RESOLVED** that the recently circulated risk assessment be noted and amended to address member transport (where required) at the end point of route walks.

\* 182

### 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 it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

\* 183

### 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.

# Agenda Item 11.(c)

APPEALS COMMITTEE  
7/09/20

\* **184**      **School Transport Appeals**

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

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

Ashford – Pilton CC (group appeal)

ST159	Appellant and Local Member
ST160	“
ST161	“
ST163	“

**RESOLVED:** that the following appeals be deferred for members' route inspection:-

Ashford – Pilton CC (group appeal)

ST159  
ST160  
ST161  
ST163.

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

The Meeting started at 9.45 am and finished at 12.30 pm

## PROCEDURES COMMITTEE

15 September 2020

Present:-

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

\* 84 **Minutes**

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

**RESOLVED** that the minutes of the meeting held on 4 February 2020 be signed as a correct record.

\* 85 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

\* 86 **Locality Budgets - Elections**

The County Solicitor recommended that, as was the case prior to previous quadrennial elections, the Committee consider the arrangements for the use of locality budgets in the period immediately prior to County Council elections in May 2021.

Members discussed the potential for any unspent funds, particularly in light of the COVID-19 pandemic and the needs of communities.

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

**RESOLVED**

(a) that, in recognising the need for Members to exercise caution in the use of their locality budgets in the period leading up to the County Council elections on the 6 May 2021, Members be authorised to initiate the allocation of any monies from 2020/21 by no later than 5 March 2021;

(b) that Members should not give any undertaking as to the allocation of funds in the period between 5 March 2020 and the Elections and the County Solicitor would advise Members accordingly at the appropriate time;

(c) that thereafter, the use of any unspent funds from 2020/2021 be ring fenced pending a discussion on how best to use those monies for a specific project and / or worthy cause, noting that this relates to unspent funds rather than allocated funds; and

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(d) that any locality budget allocations start afresh from 2021/2022 with no carry forward from 2020/2021; and

(e) that a separate communication be sent to Members, outlining the guidance referred to above.

\* 87 **Calendar of Meetings - January 2021 to May 2022**

The Committee considered the draft calendar of meetings for 2021/22 prepared in line with the pattern of previous years, known determinants and relevant factors.

Members also discussed remote meetings, pioneering new ways of working and health and wellbeing matters relating to remote working.

Officers agreed to send a copy of the recent staff health and wellbeing survey to Members.

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

**RESOLVED** that the draft Calendar for 2021/2022 be approved for publication.

\* 88 **Timings and Length of Speeches - Council and Committee Meetings**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources (CSO/20/9) on the current lengths of speeches at Council and Committee meetings, which asked the Committee to consider if the timings were still fit for purpose.

The Committee noted that the current timings of speeches at Council and Committee meetings had been in place for a number of years. They were due to be reviewed by a Motions Working Group, however, the Procedures Committee, on 7th November 2019 (Minute 79 refers) had **RESOLVED** that, in view of the current process working well at the last Council meeting, the working group should not make any recommendations at this time, but reconvene when and if required. In light of this, the timings of speeches were never fully considered by the Procedures Committee.

The Committee noted the current lengths of speeches (outlined in the Constitution under Standing Order 16) and the changes previously suggested by the Procedures Committee, as outlined below, noting that no decision had been made at that time.

(a) on a minute or other matter relating to the Cabinet, by the Leader or a Cabinet Member: from 7 minutes to 5 minutes;

- (b) on a minute or other matter relating to any other committee, by the Chair of that committee or the relevant 'spokesperson' of the main Party Groups serving on that Committee: from 7 minutes to 5 minutes;
- (c) by the mover of a motion to remove the 'star' from a minute to enable an amendment to that minute to be considered by the Council: to remain at 3 minutes;
- (d) by the mover of any other motion or an amendment: from 7 minutes to 5 minutes;
- (e) by the mover of a motion or an amendment exercising his/her right of reply: to remain at 3 minutes;
- (f) by the Leader of the Council exercising their right of reply to Budget amendments: to remain at up to 10 minutes;
- (g) by a Member attending a meeting of a committee understanding order 8(1) or 25: from 5 minutes to 3 minutes; and
- (h) all other speeches: from 5 minutes to 3 minutes

The Committee also considered a representation a Member of the Council in relation to (g) highlighting that a reduction to three minutes curtailed the ability of a Member to speak on a serious divisional issue, or to place any complicated divisional or other issue on the agenda of a Scrutiny Committee.

Members discussed issues such as disability, democratic accountability and the role of Group Leaders in asking their Members to be succinct in making speeches.

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

**RESOLVED** that no changes be made to the timings of speeches at the current time.

## 89 **Moving Minutes at Council Meetings**

The Committee considered the process for moving minutes of Committees at the Council meeting.

Under Standing Order 13(2) Minutes of other committees submitted to the Council for approval were formally 'moved' by the Chair of the relevant committee (or another member acting on their behalf) and put to the Council for consideration. When all matters relating to those minutes had been dealt with (see also standing order 14(1)-(3)) the Chair of the Committee would then ask the Council to adopt the minutes as a whole (together with any amendments the Council may have agreed), without any further discussion.

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The Committee noted that at last Council meeting, Standing Orders had been suspended to enable the Chair of the Council to move all the minutes of Committees simultaneously.

Members were asked to consider if they wish to amend Standing Orders to enable all minutes to be moved simultaneously by the Chair of the Council as a matter of course. The exception would be if a minute had been called and then it would be for the Chair of that Committee to formally move those minutes at the appropriate time.

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

**RESOLVED** that Standing Orders be amended to reflect the process as outlined above.

## 90 **Local Government Association (LGA) Boards and Members Allowances**

Councillors Biederman, Connett, Hart, Hughes and Wright declared personal interests in this matter by virtue of being a member of the Fire Services Management Committee, the national lead LGA member for the Liberal Democrats, by virtue of being a member of the LGA Executive, the Chair of PATROL (Parking and Traffic Regulations Outside London) Joint Committee and a member of an LGA Policy Board respectively.

The Committee considered the Report of the County Solicitor; Chief Officer for Legal, Human Resources and Communications on proposals for amending the Members Allowances Scheme in relation to certain Local Government Association (LGA) commitments.

The Report highlighted the value that the Council placed on training and development and the benefits brought and the various mechanisms by which this happened.

The Committee noted that the LGA political groups also made a number of appointments to other boards and forums of their own volition and whilst it was important that Devon was represented at some of these, it was felt appropriate to apply some consistency in the application of approval of travel expenses to such events.

The Report highlighted what was permitted under the current allowances scheme in terms of both the basic allowance and the approved duties under schedule 1 of the scheme. Any variation required the approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate (in accordance with the framework outlined in Procedures Minute 33 (5/6/18)). It was clear that the scheme did not currently permit travel expenses for LGA Policy Board appointments.

The Report outlined the various (and different) mechanisms by each of the political groups for making the appointments and the Appendix to the Report showed the current Policy Boards, other LGA Structures and Workforce Employer Bodies. The Local Government Association (LGA) Allowances Scheme highlighted that "Travel and subsistence costs for all other meetings should be met by the member's home authority."

One of the issues was that the Council could not be clear how many Members were appointed to the Boards, because they were either appointed at a District level and / or that political groups approached Members direct.

Members considered three options, the first being to amend the allowances scheme to include such policy boards as an 'approved duty', the second to adopt a similar approach to that of attendance at training events where Members sought approval before accepting the appointment and option 3 where Members accept the appointment to the Board of their own volition, but were then responsible for all travel costs, to be met from their basic allowance or other personal income.

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

## **RESOLVED**

(a) that Option 2 (*to adopt a similar approach to that of attendance at training events where Members seek approval before they accept the appointment as to whether the Council will pay for the travel expenses for the meetings of the Board. This would be via approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council. Members would be expected to make a case, outline the expected costs and frequency and also demonstrate the benefits to Devon County Council*), be adopted, and

(b) that the position be reviewed in 12 months time.

\* 91

## **Devon Day - 4 June 2020**

The Leader of the Council, under Standing Order 23(2), had asked that the Procedures Committee consider the matter of Devon Day, how the current date of the 4<sup>th</sup> June was chosen, the link to St Petrock's Day and also St Boniface and asked that some research was undertaken and a Report be brought back to the Committee at a later date.

**RESOLVED** that the issue be further investigated and a Report brought back to the Committee in due course.

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\* **92**      **The Remote Meetings Regulations**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources (CSO/20/15) which outlined the scope 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 and the Council's Meetings Protocol.

The Report highlighted that the Regulations had been made by the Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus Act 2020(1) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(2) and applied to local authority meetings (and police and crime panel meetings) that were required to be held, or held before 7th May 2021.

Of particular note were the changes in respect of the frequency of meetings, the Regulations overriding current Standing Orders, the requirement to hold an annual meeting being disapplied, access to information and the requirement for a paper copy of an agenda to be displayed in Council's offices being removed, requirements for access of the public and press to meetings and the requirements under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Of course, the permission to allow remote attendance in Local Authority meetings was, by far, the most significant change to working practices. The Regulations stated that meetings were not limited to a meeting of persons all of whom, or any of whom, were present in the same place. The reference to a "place" included reference to more than one place, for example electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers). A Member 'in remote attendance' could attend as long as certain conditions were satisfied such as being able to hear and be heard. The regulations preferred a visual solution, but audio was sufficient.

In order to apply the Regulations to current working practices, a formal meetings protocol was prepared. The most important issue was that the Protocol was as close to current processes, standing orders and public participation as possible, therefore ensuring accessibility was at the forefront of the new working.

A copy of the Protocol was attached at Appendix 1 to the Report which covered the use of Microsoft Teams for hosting remote / virtual meetings, access to documents, setting up the meeting, including external participants, joining the meeting (including a step by step guide), starting the meeting, quorum, declarations of interests, notice to speak, public participation, rules of debate, meeting etiquette, voting, part 2 reports, interpretation of standing orders, disorderly conduct, disturbance from the public, actions after the meeting, technical issues and equality.



Members also noted that the Council undertook its first remote meeting on the 8th April (Cabinet), which was just 5 days after the Regulations were published. The Council continued to learn and the technology still advanced with new functionality, so the experience of remote meetings would continually improve. The Local Government Association published Devon as one of their first case studies on their Remote Council Meetings Guidance webpages.

There were clearly savings to be made from holding remote meetings, however, Members noted a further price of work would be conducted which would consider meetings of the future and include many of the wider issues such as budgets, climate change and the environment.

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

## **RESOLVED**

(a) that the contents 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 meetings regulations be noted; and

(b) that the Regulation's be formally adopted and the Council's formal Meetings Protocol be endorsed.

\* 93

### **Remote Meetings and the Use of Technology for Member Meetings**

The Committee noted that a full Report on Councillor Biederman's Notice of Motion relating to remote meetings and future technologies would be brought to the November meeting of this Committee.

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

The Meeting started at 10.30 am and finished at 12.06 pm



## INVESTMENT AND PENSION FUND COMMITTEE

18 September 2020

Present:-

Devon County Council

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

Unitary and District Councils

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

Other Employers

D Healy

Unison and Retired Members:

R Franceschini (voting) and J Rimron

Attending in Accordance with Standing Order 25

Councillors M Lowry and C Slade

Apologies:-

Councillor J Pearce and S Teague

\* **187**      **Announcement: Standards Committee**

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

\* **188**      **Investment and Pension Fund Committee: Minutes**

**RESOLVED** that the Minutes of the meeting held on 19 June 2020 be signed as a correct record.

\* **189**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **190**      **Devon Pension Board**

(Councillor C Slade attended in accordance with Standing Order 25 and spoke to this item).

The Committee noted the Minutes of the Meeting of the Board held on 6 July 2020.

\* **191**      **Brunel Oversight Board**

The Committee noted the Minutes of the Meeting of the Board held on 25 June 2020.

Members also noted that the Brunel Pension Partnership had been awarded Environmental Finance's Pension Fund of the Year award. This was in recognition of the successful efforts of ten committed institutions (the Partners) to take strong and effective leadership on responsible investment.

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\* **192**      **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/20/66) on the Fund value and asset allocation, performance against the benchmark, funding level, budget forecast 2020/21, cash management; and engagement activity.

During the last quarter markets had recovered to a large extent from previous losses and as a result the value of the Fund as at 30 June 2020 stood at £4,508.5m, an increase of just under £500 m over the last quarter.

Members referred to the recovery of equities in the last quarter, value of UK equities and the relative value and solvency of the Fund in comparison with other LGPS funds on which more information would be reported in the future, noting that Actuarial assumptions did differ making direct comparisons difficult.

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

**RESOLVED**

(a) that the Investment Management Report be noted;

(b) that reallocation of £90 million from Passive Equities to Low Volatility Equities to bring the allocation up to the target weight be approved; and

(c) that compliance with the 2020-21 Treasury Management Strategy be noted.

\* **193**      **Brunel Governance Review**

The Committee considered the Report of the County Treasurer (CT/20/67) on the review of Brunel's governance arrangements following concerns previously reported.

The proposals endorsed by Brunel Oversight Board were outlined in the Report and related to formal appraisal of the Brunel Chair and annual performance reviews of the Non-Executive Directors and an additional non-Executive Director as a Shareholder representative and their reappointment at the AGM; and the consultation process between Brunel and clients/shareholders.

Mr J Russell-Stacey (Brunel's Chief Stakeholder Officer) attended and explained his role making sure that Brunel's relationship with all key stakeholders, including shareholder and clients, was managed effectively. He also confirmed that the appointment of the new Chief Investment Officer (CIO) would be made shortly.

The Chair also confirmed that Non-Executive Directors regularly attended the Brunel Oversight Board as part of their oversight role.

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

**RESOLVED** that the following changes to the Brunel governance arrangements be supported:

(a) the adoption of the proposed new procedures as outlined in the Report;

(b) an increase in the number of Non-Executive Directors to five;

(c) the appointment of a new Shareholder Non-Executive Director; and

(d) the amendment to the process for the re-appointment of Non-Executive Directors.

\* **194**      **Local Government Pension Scheme Update**

The Committee considered the Report of the County Treasurer (CT/20/68) on the latest LGPS consultations and recent Ministry of Housing, Communities and Local Government (MHCLG) feedback on a range of issues. The Report focused on the McCloud consultation which was due to be closed for responses on 8th October 2020. The Report also covered the Cost Cap process, the Exit Payment Cap, the proposed process for a review of Employer contributions and flexibility on exit payments. There was a further consultation in regard to the Exit Payment Cap.

In regard to the McCloud proposals the 'underpin' along with the large amalgamation exercise, recalculation of retirement, deferred and death cases represented a challenging administrative exercise for Peninsula Pensions. The Devon Audit Partnership would also be involved in the process.

The cost implications remained uncertain but would be reported to Members in due course.

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor A Connett and

**RESOLVED**

(a) that the draft responses to the McCloud and the Exit Payment Cap consultations be sent to Members of this Committee prior to submission; and

(b) that the response submissions be delegated to the County Treasurer in consultation with the Chair of this Committee.

\* **195**      **Committee and Board Member Training**

The Committee considered the Report of the County Treasurer (CT/20/69) on the proposed training programme and Plan to ensure that Committee and Board members continued to have their knowledge and skills updated. Training events and sessions would be held 'virtually' in view of the COVID-19 limitations on group meetings and on-line training would be supported by videos.

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

**RESOLVED** that the proposed training programme for the Autumn 2020 be approved.

\* **196**      **Employer Changes**

The Committee noted the following:

(a) New admitted bodies - applications for admitted body status approved since the last meeting of the Committee:

- Fresha has won 3 catering contracts which commenced 1 August 2020 for Riviera Education Trust, Furzesham Primary School and schools within St Christopher's MAT.
- DELT Services Ltd commenced a variety of services for ACE Schools MAT on 1 July 2020.
- Direct Cleaning Services won cleaning contract for Exmouth Community College which commenced 7 August 2020.

(b) New academy conversions and changes:

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- Fremington Primary & Nursery School and North Molton Primary School joined Tarka Learning Partnership with effect from 1 July 2020.
- Colyton Primary School joined First Federation with effect from 1 July 2020.

\* **197**      **Dates of Future Meetings**

27 November 2020, 10:30 and 26 February 2021 10:30 and Consultation 14:15

\* **198**      **Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual, 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.

\* **199**      **Review of Investment Performance**

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

The Committee considered the Report of the County Treasurer (CT/20/70) on an analysis of the Fund's performance compared to its LGPS peers over three years and the underlying issues.

It was **MOVED** by Councillor R Bloxham, and **SECONDED** by Councillor R Edgell and

**RESOLVED**

(a) that the comparative investment performance analysis, be noted;

(b) that an increase in the strategic allocation to multi-asset credit and global bonds as detailed in the Report be approved; and

(c) that the allocations to the Wellington multisector credit fund Management and to Lazard Asset Management's global bonds mandate, as detailed in the Report, be approved.

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

The Meeting started at 10.30 am and finished at 12.10 pm

## CHILDREN'S SCRUTINY COMMITTEE

8 September 2020

### Present:-

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

### Apologies:-

Councillors A Connett and M Squires

### Members attending in accordance with Standing Order 25

Councillor J McInnes

\* **176**      **Meeting Procedures - Briefing and Etiquette**

The Committee received a brief statement from the Democratic Services Officer on the process and etiquette for remote meetings.

\* **177**      **Minutes**

**RESOLVED** that the Minutes of the meeting held on 9 June 2020 be signed as a correct record.

\* **178**      **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* **179**      **Public Participation**

There were no oral representations from members of the public.

\* **180**      **Scrutiny Work Programme**

The Committee were updated as to the Scrutiny Work Programme and it was agreed that future Scrutiny reviews would take place on Early Help and Social Work.

\* **181**      **SEND Transformation Plan (including CAMHS and Autism)**

The Committee received a joint presentation by officers from Devon County Council, Children and Family Health Devon and NHS Devon Clinical

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Commissioning Group entitled 'SEND Transformation: Children and Young People Emotional Health Wellbeing and Autism'.

The presentation covered the delivery of services during COVID-19 and highlighted in particular:

- That crisis support for CAMHS was being delivered 24/7;
- Waiting times (CAMHS) for urgent and Eating Disorder referrals were on target;
- The impact on staff from remote working, wellbeing and shift work;
- Autism waiting times for assessment had gradually increased, impacted by staff recruitment and retention;
- EHCP requests had increased;
- Average waiting time for CAMHS was 14.4 weeks, from start of treatment; and
- The support available for children and families whilst waiting.

Officers responded to Members' questions that covered:

- The effectiveness of virtual diagnoses and the availability to young people of online resources and face to face contact;
- The waiting time for autism was currently in excess of two years, although a high-risk priority would automatically be expedited;
- Online resources were available on the Children and Family Health Devon website which could be accessed by parents during Autism waiting times;
- There was an increase in eating disorders being presented in young people, especially girls, due to lockdown and of parents becoming more aware; and
- Inadequate funding for children's mental health.

It was agreed that a wider discussion around CAMHS and Autism waiting times with Children and Family Health Devon and Devon CCG colleagues should take place at a future Scrutiny Standing Overview Group or Masterclass.

[NB: A copy of the presentation would be circulated to Members.]

\* 182

## **Return to Schools**

The Head of Education and Learning reported verbally to the Committee on the Return to Schools, highlighting the following in particular:

- Some schools had opened last week, and 93% of pupils attended. The majority of schools were opening this week and a full return was anticipated by 14 September;
- Initial figures for ECHP attendance was at 88.54%;



- Figures would continue to be collected on a daily basis for all vulnerable children and daily updates would be obtained as they returned to school;
- The Council's website provided parents and families with a lot of online support and guidance;
- A special Connect Me Back to School Special bulletin had been circulated;
- School transport had been especially challenging, but 99% of pupils known to the team had transport in place for the first day of term. Any issues tended to relate to late bus pass applications, no notification of new address or a change in time of school day;
- Interim arrangements had been put in place to transport children to a school just over the border in Cornwall. This was because the normal bus service for this school had been withdrawn by the bus company.
- The number of cases of Covid in the County were still very low;
- Schools had been asked to keep in place all of their arrangements for remote education in case needed;
- The Department for Education had funded over 2000 laptops for distribution to vulnerable children; and if further were required they could be ordered directly through schools (only for those isolating); and
- The Government had put in place two funding streams for catchup funding to cover all schools, paid over the academic year, and the other for schools in disadvantaged areas for tutoring/mentoring work.

Councillor McInnes wished to put on record his thanks for the hard work of all the Teams involved in the organisation of the return to school.

Members requested a briefing note be circulated to them detailing the number of laptops already distributed to vulnerable children and where schools could apply for further ones for those children who were isolating.

\* 183

### **Progress on the Improvement Plan, Improvement Partnership and Preparation for Monitoring Visit**

The Committee received the Devon Improvement Plan report that had been presented to the Improvement Partnership on 20 August 2020, which included an updated action matrix, key areas of progress and risk and preparations for the first Ofsted monitoring visit. This Improvement plan had been in place since July and replaced the previous Covid-19 improvement plan.

Officers responded to Members' questions that covered:

- Progress not being made on some priorities as quickly as planned due to some actions being de-prioritised and others where focussed work has started with partners;
- A score card would be provided with future Committee reports on the improvement plan;

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- Members would have preferred to see a covering report, giving an overview of the improvement plan identifying where the weaknesses were, and progress made against them; and
- The first Ofsted monitoring visit would take place across two days, 22/23 September.

## \* 184 **Re-set for Children's Services**

The Committee received the Report the Head of Commissioning of Children's Services on the re-set of Children's Services' priorities post Covid-19 lockdown. International data had shown that lockdown had had a significant and harmful impact on the most vulnerable children, with children who already lived with parental domestic abuse, drug and alcohol harm and mental ill health being worst affected, with the most life-threatening risk for infants.

A presentation was also given on the Children and Young People's Plan Reset for 2020 to 2021.

Members' questions and Officer responses included:

- Focus was on the most vulnerable children, who had lost four months of education, and the re-set would take this forward;
- Careers South West, in partnership with schools and colleges, were working to ensure everyone had access to targeted support and information;
- The Government had announced a range of programmes to ensure young people could return to work and training;
- A detailed action plan was being prepared responding to all local data; and
- The impact of furlough on the County where most furlough was seen in the tourism and hospitality industries.

## \* 185 **Social Work - Workforce Comparison Data**

The Committee received the Report of the Acting Head of Children's Services on social work recruitment and retention, which set out the national and local context regarding social worker recruitment and considered the challenges currently facing Devon.

A proposal had been put forward to establish a social work career pathway in the context of offers made by neighbouring authorities, recommending that the rationale and proposals for aligning Devon Children's Services against the national framework for career progression and the case for improving Devon's offer to social workers, in order to stabilise and value current workforce and promote better outcomes for children and young people. These measures would help to be able to meet the statutory obligations to children and families and would promote the development of a skilled and effective workforce.

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The Committee welcomed the Report and agreed that these issues would form the basis for the Scrutiny Review into Social Work.

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

The Meeting started at 10.30 am and finished at 2.07 pm



## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

10 September 2020

Present:-

Councillors S Randall-Johnson (Chair), H Ackland (Vice-Chair), M Asvachin, J Berry, P Crabb, R Peart, S Russell, P Sanders, A Saywell, 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 and A Leadbetter

Apologies:-

Councillor L Evans (District Councils)

\* 198

**Minutes**

**RESOLVED** that the Minutes of the Meeting held on 16 June 2020 be signed as a correct record.

\* 199

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 200

**Public Participation**

There were no oral representations from members of the public.

\* 201

**Proposed Structure and Governance Arrangements for Devon Integrated Care System**

The Committee considered the Report of the Lead Chief Executive for the Devon Sustainability and Transformation Partnership (STP) on the NHS Long-Term Plan which set the ambition that every part of the country should be part of an Integrated Care System (ICS) by 2021. The Partnership encouraged all organisations in each health and care system to join forces, so they were better able to improve the health of their populations and offered well-co-ordinated efficient services to those who needed them.

NHS England and NHS Improvement (NHSE/I) set out a consistent approach to how systems were designed highlighting three levels at which decisions were made and the Report described the broad functions to be undertaken at each level. The Report also set out the position in Devon, the developing governance and accountability arrangements.

The Lead Chief Executive (STP) responded to Members' comments and questions relating to:

- the Financial Recovery Plan to address the current and projected revenue shortfall and that additional costs arising from COVID-19 were being covered as part of the emergency financial regime;
- the focus to reduce the back-log of essential non COVID-19 activities and the financial implications and uncertainties for the future;
- the developing STP's place-based arrangements through the Local Care Partnerships (LCPs); and
- the role of Local Government Scrutiny and that of Devon County Council's Health and Adult Care Scrutiny Committee's role to form part of the process in Devon in the

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- developing the neighbourhood perspective and assisting in ensuring effective accountability and democratic input; and
- this Report was due to be considered by the Plymouth and Torbay Councils.

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

## **RESOLVED**

(a) that the Report be welcomed as a necessary step forward in clarifying how collaborative arrangements will work across the Devon Health and Care system; and

(b) that this Committee remains committed to pursuing further with the Devon Sustainability and Transformation Partnership more precise understanding of how the requirements of good governance, transparent decision making and clear lines of responsibility will operate in the Integrated Care System within each of the three levels described - System, Place and Neighbourhood.

### \* 202 **Adult Social Care Market Sufficiency Statement 2020**

(Councillor A Leadbetter attended in accordance with Standing Order 25 (1) and spoke to this item at the invitation of the Committee and informed that the Report had been considered and approved by the Cabinet the previous day and that regular annual reporting and updates would be presented)

The Committee considered the Report of the Associate Director of Commissioning (Care and Health) (ACH/20/127).

Market Sufficiency and development was an ongoing iterative process and the Scrutiny Committee was invited to further comment on this Report.

The Report detailed the initial impacts of COVID19 on adult social care markets and set out actions to respond to them. It set out the strategic context, and assessment of market sufficiency, the Independent Sector Workforce, the Provider Engagement Network and financial considerations.

The Associate Director responded to Members' comments and questions relating to:

- work to transform, promote and recognise the professionalism and opportunities within the independent social care workforce;
- possible and varied reasons for the relatively high turnover within adult social care;
- the number (net) of the current shortfall of care staff within the County and the Proud to Care campaign and challenges in terms of staffing;
- the legal impediment in setting a minimum level of pay for the Independent sector (over and above the statutory minimum);
- unallocated cases had now returned to the pre-COVID-19 levels and were being addressed; and
- the development of non-building based care working on a more individual level.

The Vice-Chair referred to examples in other Local Authorities which facilitated and encouraged alternative business models for domiciliary agencies that were 'not for profit' where the users, their families and communities owned and controlled the organisation. These could take the form of micro-provider co-operatives.

The Vice-Chair also suggested this would fit into the Devon Integrated Care System proposals within the neighbourhood and place-based structures.

It was **MOVED** by Councillor H Ackland; **SECONDED** by C Wright and

**RESOLVED** that the Cabinet be requested to consider and investigate the feasibility of an alternative business model(s) with a view to facilitating a pilot 'not for profit' organisation to help alleviate and address the recognised lack of domiciliary care workers in the County.

\* 203

## **Consultation Modernising Health and Care Services in the Teignmouth and Dawlish area**

(Councillor J Clatworthy attended in accordance with Standing Order 25 (2) and spoke to this item broadly in support of the proposals noting some local concerns and the effective promulgation of the consultation documents)

The Committee considered the Report of the Torbay and South Devon NHS Foundation Trust and NHS Devon Commissioning Group on NHS Devon Clinical Commissioning Group (CCG) on its formal public consultation on future services in Teignmouth and Dawlish launched on the 1 September 2020 and to run to 26 October 2020.

The original consultation timeline was designed to enable work to commence in October 2020. However, due to COVID-19, the timescale for the health and wellbeing development had been delayed and the start date had now moved to January 2021. However, the Clinical Commissioning Group remained committed to holding a transparent process and to keeping an open mind. A full copy of the consultation document was appended to the Report.

The Head of Integrated Care at NHS Devon Clinical Commissioning Group, the Director of Transformation and Partnerships (CCG) and Dr Greenwell (local GP) responded to Members' questions relating to:

- the quality and clarity of the consultation material widely distributed in the South Torbay area which was commended by Members and the virtual arrangements as a result of the pandemic;
- financial and other information which was included in the supporting documents listed on the CCG's website and available at: <https://devonccg.nhs.uk/get-involved/current-projects/health-and-wellbeing-services-in-teignmouth-and-dawlish>;
- the predicted impact on Dawlish and Newton Community Hospitals; and
- the involvement of Devon Healthwatch in independently collating and analysis of the consultation responses for report to the Devon CCG.

Members noted that the full analysis of the consultation outcome for the Clinical Commissioning Group would not be available until after this Committee's next meeting.

It was **MOVED** by Councillor S Randall-Johnson, **SECONDED** by Councillor S Russell and

### **RESOLVED**

(a) that an update Report from the Clinical Commissioning Group on consultation (with the fullest information available at the time from Devon Healthwatch) be presented to this Committee's next meeting on 12 November 2020; and

(b) that Members use their role as community leaders to encourage wide engagement in the consultation process in the coastal communities affected.

\* 204

## **Devon System Covid-19 Response**

The Committee considered the Report of the Associate Director of Commissioning (Devon CCG, Northern and Planned Care and Cancer)

The Report built on a paper presented to the Standing Overview Group (Minute 205 refers) in July 2020 regarding Restoration and Transformation planning, focusing on further areas of good practice and innovative work undertaken during the COVID19 pandemic response. The

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Report also gave an overview of Winter planning 20/21 identifying the actions of the Clinical Commissioning Group and Sustainable Transformation Partnership system needed to fulfil national and NHSE/I winter planning requirements.

The Report covered, inter-alia, activity and performance, phase 2 recovery, what was happening now and current considerations, and winter planning 2020/2021.

The Associate Director and the County Council's Director for Public Health responded to Members' comments and questions relating to:

- the relatively good performance in Devon for elective inpatient, day case activity and key Cancer targets throughout the COVID-19 pandemic;
- greater use of digital technology in terms of general practice appointments;
- use of the 'Nightingale' hospitals in providing safe and fast diagnostic testing for the peninsula for a range of conditions;
- work by the CCG in engaging and working with care homes and other out of hospital providers;
- the detrimental wider impacts of the pandemic and implications for future activities which would require continued and further analysis;
- the past detrimental and disproportionate impact of the pandemic on social and community care;
- further information on the flu programme (on which additional detail was requested);
- progress of the NHS Testing and Trace programme and care home testing and the national issues and difficulties;
- adequacy of Personal Protection Equipment supplies to nursing/residential care homes;
- the consequential revenue cost of COVID-19 at approximately £74m to date (£20m of which related to the Nightingale hospitals) which had been covered centrally;
- following re-deployment of staff from Minor Injury Units (MIUs) for the pandemic two units in North Devon were now planned to be re-opened; and
- the need for more information relating to access to digital GP appointments.

The Chair also referred to wider Mental Health impacts of the pandemic and the need for more data and information in this area both for children and adult mental health and suggested that this could be the subject of a future Masterclass.

It was **MOVED** by Councillor M Shaw, **SECONDED** by Councillor and J Yabsley and

## **RESOLVED**

(a) that the Clinical Commissioning Group (CCG) be asked to bring a more detailed report for the restoration of elective activity, its financial impact and measures to increase capacity (including outsourcing) to the November meeting of this Committee; and

(b) that the Clinical Commissioning Group be asked also to produce a report on more detailed plans for systematically engaging the digitally excluded sections of the population.

\* 205

## **Standing Overview Group: Care Homes Testing / Recovery & Restoration in the NHS**

The Committee received the Notes of the Standing Overview Group meeting held on 31 July 2020 on key areas relating to Care Homes Testing and Recovery and Restoration in the NHS in respect of non-COVID-19 urgent services and issues identified by Members in regard to these two areas.



\* 206 **Scrutiny Committee 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-work-programme/>]

\* 207 **Information Previously Circulated**

Information previously circulated for Members relating to topical developments included:

(a) Torbay and South Devon NHS Foundation Trust Update: 21 August 2020 - Health & Adult Care Scrutiny Committee.

(b) Devon Partnership NHS Trust: Care Quality Commission Inspection - Health & Adult Care Scrutiny Committee.

(c) Torbay and South Devon NHS Foundation Trust Update: 7 August 2020 - Health & Adult Care Scrutiny Committee.

(d) Modernising Health and Care Services in Teignmouth and Dawlish: briefing by NHS Devon CCG on the future of health and care services in Teignmouth and Dawlish.

(e) Torbay and South Devon NHS Foundation Trust Update: 24 July 2020 - Health & Adult Care Scrutiny Committee. (f) DCC Adult Social Care Briefing – 6 July 2020.

(f) Devon STP CQC Review – Press Release. (h) CQC Report on Torbay and South Devon NHS Foundation Trust - Health & Adult Care Scrutiny Committee. (i) Response to Members Questions - 16 June 2020 Health & Adult Care Scrutiny Committee.

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

The Meeting started at 10.30 am and finished at 1.38 pm

