

*County Council*  
Thursday, 22nd July, 2021



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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

14 July 2021

**Your attendance is requested at the Meeting of the Devon County Council to be held at Exeter Corn Exchange on Thursday, 22nd July, 2021 at 2.15 pm.**

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

Chief Executive

**AGENDA**

**1. Apologies for Absence**

**2. Minutes**

To approve as a correct record and sign the minutes of the meeting held on 27 May 2021.

**3. Announcements**

**4. Items Requiring Urgent Attention**

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

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

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

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

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

## **FRAMEWORK DECISION**

NIL

## **OTHER MATTERS**

### **8. Cabinet Member Reports**

To consider reports from Cabinet Members.

### **9. Minutes**

To receive and adopt and / or approve the Minutes of the under mentioned Committees

- (a) Appeals Committee - 7 June 2021 (Pages 1 - 2)
- (b) Investment and Pension Fund Committee - 18 June 2021 (Pages 3 - 10)
- (c) Standards Committee - 29 June 2021 (Pages 11 - 14)
- (d) Audit Committee - 30 June 2021 (Pages 15 - 20)
- (e) Public Rights of Way Committee - 1 July 2021 (Pages 21 - 24)
- (f) Procedures Committee - 2 July 2021 (Pages 25 - 26)
- (g) Appointments, Remuneration and Chief Officer Conduct Committee - 19 July 2021

The minutes for this meeting will be published here as soon as possible - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=201&MId=4428&Ver=4>.

## **NOTICES OF MOTION**

### **10. Saving Our Precious National Parks (Minute 378 - 29 April 2021)**

To receive and consider the recommendations of the Cabinet (Minute 9) 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:

Our precious National Parks, including Dartmoor and Exmoor, are loved by millions and used by many thousands of people.

The LOCAL Park Authorities comprise LOCAL representatives who know and serve the community and keep LOCAL oversight of Dartmoor National Park and Exmoor National Park.

Government is understood to be considering setting up a National Landscape Service which would centralise services under one, nationally run, new organisation.

A National Landscapes Service that effectively replaces individual National Park Authorities would not be a positive reform:

- It is contrary to the Government's 'levelling-up' agenda which involves government decentralising power and working more directly with local partners and communities.
- The 2019 Conservative Party Manifesto stated that "the days of Whitehall knows best are over" (p.26) and pledged to give communities of all sizes far more control. This Council questions how a centralist National Landscapes Service would achieve this.
- The move is contrary to international good practice in the management of protected landscapes which emphasises the importance of management being undertaken with and through local people and mainly for and by them.
- Locally run and locally managed National Parks are able to respond in the most appropriate way to their own unique qualities and without the burden and red-tape of national management.

Therefore, this Council urges Government not to proceed with a National Landscape Service or to take any step which will remove local engagement and involvement in our precious national parks and Council instructs the Chief Executive to write urgently to the Prime Minister and local Members of Parliament serving Devon and Somerset setting out our support for our local National Parks.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/10) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council be asked to note that this Authority, on behalf of Team Devon (Leaders and Chief Executives), has already explicitly addressed the issue raised by this Notice of Motion, indicating to Government and local MPs that any merger of the functions of our National Parks and Areas of Outstanding Natural Beauty would be strongly opposed. However, there remains a case for a National Landscape service bringing together and strengthening existing national support and protection of our natural environment and providing a strong national voice for all protected landscapes'.

**11. Speed Limits - Deaf Academy and Wider Devon (Minute 16 - 27th May 2021)**

To receive and consider the recommendations of the Cabinet (Minute 22) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Dewhirst and referred thereto in accordance with Standing Order 8(2), namely;

## **Background to the Motion**

The Deaf Academy has been providing education and support for deaf young people in Devon since 1826. In September 2020, they relocated from Exeter to Exmouth to a new campus at the old Rolle College Site at Douglas Avenue.

The Deaf Academy is an education hub for 50 students, 30 of which stay within the residential provision on campus. Students are incredibly diverse and come from all over the country, with varying needs ranging from mobility, visual and special educational needs alongside their deafness.

Last term the Student Council started a campaign to reduce the speed limit. Other schools in Exmouth have 20 mph speed limits outside their entrances.

Unlike hearing children, deaf children cannot clearly identify cars in the distance or around corners through sound. They rely on sight and trusting the public are driving slowly in the area.

Douglas Avenue currently has a 30mph speed limit with various blind spots and does not have any targeted highway signage, traffic calming measures or crossing points near the Academy.

Consequently, the avenue poses a risk to students, staff and visitors and therefore:

### **Motion to Council**

1. This Council applauds the Deaf Academy Student Council campaign to reduce the speed of traffic in Douglas Avenue. Council calls on our Highway Officers to urgently introduce a 20 mph speed limit in Douglas Avenue and install a zebra crossing outside the school to ensure that these children and young people can cross the road in safety, and,
2. Additionally, this Council calls on Highway Officers to bring a Report to Council before the end of 2021 on implementing 20 mph speed limits in the vicinity of all schools in Devon to ensure that all children and young people can arrive and leave their schools in greater safety.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/11) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That Council

(a) thank the pupils at the Deaf Academy at Douglas Avenue for highlighting their concerns;

(b) agree any future proposals to address the concerns of the Deaf Academy are presented at a future East Devon HATOC; and

(c) support the proposal to include specific consideration of the application of 20mph limits around schools as part of the study into speed in Newton Abbot.

**12. Councils for Fair Tax Declaration: Standing up for Fair Tax Practices (Minute 17 - 27th May 2021)**

To receive and consider the recommendations of the Cabinet (Minute 22) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Aves and referred thereto in accordance with Standing Order 8(2), namely:

The Council notes:

That local residents are asking Devon County Council to sign up to the Councils for Fair Tax Declaration.

The Fair Tax Mark has developed the Councils for Fair Tax Declaration in collaboration with UK cities, counties and towns who believe they can, and should stand up for responsible tax conduct. [Councils-for-Fair-Tax-Declaration.pdf \(fairtaxmark.net\)](#)

As recipients of significant public funding councils should take the lead in the promotion of exemplary tax conduct. Polls have found that 63% of the public agree that the government and local councils should consider a company's ethics and how they pay their taxes as well as value for money and quality of service, when undertaking procurement. That three-quarters of people would rather shop or work for a business that can prove it is paying its fair share of tax.

Fair Tax Mark said there was "a pressing need for action", claiming that research it commissioned had discovered that 17.5% of UK public procurement contracts commissioned by local and national government over the period 2014-19 were won by businesses with connections to a tax haven, with a combined value of £37.5 bn.

Billions are missing from our public purse because some companies choose to avoid paying their corporation tax - the same companies who have since benefited from taxpayer support through this crisis or have asked for bailouts.

This means we have less money available for the vital public services we all rely on, and that the smaller, local businesses in our county can't compete because it's not a level playing field.

That other Councils around the UK have already signed up to the Councils for Fair Tax Declaration including Peterborough City, Oxford City, Oldham, Cannock Chase, and the Royal Borough of Greenwich.

### The Council believes:

Councillors across the UK work hard to serve their local communities and help direct the delivery of essential public services. The Coronavirus pandemic has exposed major weaknesses in our economy and deep-seated inequalities in our society. To Build Back Better we must tackle tax avoidance and Councils can pioneer the promotion of responsible tax conduct through:

- Leading by example on their own tax conduct
- Demanding greater transparency from suppliers

Having gone through a decade of austerity and reduced council spending caused by government reductions in grants, where funds have not kept up with demands of inflation and extra demands of new legal statutory duties, we're now living through an era of unprecedented public spending due to the pandemic.

As a council, we have seen first-hand the challenge that a funding squeeze created for crucial frontline services. Local government has a proud history of standing up for responsible public sector conduct, ranging from paying the real Living Wage to promoting Fairtrade.

### The Council resolves to:

1. Approve the Councils for Fair Tax Declaration [Councils-for-Fair-Tax-Declaration.pdf \(fairtaxmark.net\)](#)
2. Lead by example and demonstrate good practice in our tax conduct right across our activities
3. Require greater transparency from suppliers
4. Consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement
5. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due
6. Support Fair Tax Week events in Devon and celebrate the tax contribution made by responsible businesses who say what they pay with pride
7. Demonstrate good practice including:
  - ensuring contractors implement IR35 robustly and pay a fair share of employment taxes;
  - not use of offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty,
  - ensuring that there is clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position,

- undertaking due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates; and
- supporting calls for urgent reform of EU and UK law to enable councils to revise their procurement policies and better penalise poor tax conduct and reward good tax conduct.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/11) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved that:**

(a) the County Council is committed to supporting the principles and ethos relating to fair tax. This commitment is enacted through the Council's Financial Regulations and procurement policies. These regulations and policies align with statutory requirements and the Cabinet Office supplier accreditation standards and ensure best practice, adherence to regulations and ensuring those regulations are maintained;

(b) the Council already applies many of the considerations within this motion, wherever possible in the course of its work. For supplier qualification, the Council is required to apply Cabinet Office procurement policy which sets national standards for tax compliance as part of supplier qualification criteria for public contracts; and

(c) Council continue to support fair tax principles through the application of its financial regulations and procurement policies, however in order to remain aligned with Cabinet Office national policy for supplier qualification, Council be recommended not to formally sign the Declaration itself.

### **13. Limits to Vehicle Speed and Size on Minor Rural Roads**

Councillor Hodgson to move:

This Council will investigate and seek policy based solutions that can be implemented, to address and mitigate the growing problem of large agricultural vehicles and HGVs that frequent minor rural roads that are unsuitable for their use, that will:

Limit the size of vehicles to improve safety for other road users and reduce damage to Devon Banks, old walls, hedges, wildlife habitats and roadside drains

Limit the speed of all motorised vehicles to be consistent with safe levels regarding visibility (i.e. blind bends and turns in the road) and the associated risk of collision with other road users.

Recognise of the rights of other rural road users, including residents, pedestrians, cyclists, persons with disabilities and wildlife; all of whom need safe access and use of rural roads with safety and tranquility.



Exercise DCC's legal duty to protect formally protected wildlife species and habitats and designated built heritage.

Seek to implement the 'Quiet Lanes scheme in and around rural settlements by inviting parish council's to propose roads that might be eligible for this designation (under the Quiet Lanes and Homes Zones (England) Regulations 2006.

**14. 20mph Speed Limit Zones**

Councillor Hodgson to move:

In response to the growing demand for safer vehicle speeds in town and village centres and along residential roads, this Council will now consider further applications for 20mph pilot schemes that can be implemented in parallel with the Newton Abbott pilot scheme to ensure a more timely response to supporting Active Travel measures that need reduced vehicular speeds to be implemented and effective.

**15. Public Health Improvements and Active Travel Measures**

Councillor Hodgson to move:

In light of changes to commuter and public travel and in recognition of this Council's commitment to post-COVID recovery measures as outlined in the recently published Public Health Annual Report for Devon, this Council will consider diverting financial resources away from new road schemes and instead re-invest these monies in an improved network of non-vehicular routes to enable Active Travel measures to be implemented more widely across Devon and provide these safe routes for residents in and around every town in the County (and ultimately every parish to be so linked to its closest towns and facilities). Such investment would then support the recommendations in DCC's own Public Health report, most of which seek improvements to fairness, air quality, access to active travel and access to nature to improve public health by extending the 'Health in All Policies' approach.

**16. Biodiversity and Habitats**

Councillor Hodgson to move:

This Council recognises the urgent need to support, protect and enhance biodiversity and habitats. It therefore agrees to:

1. Consider new ways that could be used through the planning system to ensure and check that wildlife and habitat mitigation measures agreed by planning condition are carried out and effective, and develop appropriate policies,
2. Work with Local Planning Authorities (LPA's) within Devon to ensure

that measuring and monitoring of wildlife and biodiversity is carried out at a range of key (indicator) locations over the life of their Local Development Plans,

3. Develop a policy that would seek implementation of urgent remedial actions that may be advised by recognised experts regarding habitat degradation,
4. Assess the potential cumulative impacts on wildlife and habitats as and when planning applications for major developments are proposed within 500m of wildlife corridors, known habitats of protected species, planning consultation zones, green field sites, together with the impact of other nearby residential or commercial development applications, sites or built up areas within 500 meters. This information to be part of the application papers prior to validation for the planning process.
5. Strengthen and implement fully, habitats screening prior to validation of planning applications,
6. Ensure that any littering in public spaces, in particular that left by waste collection services is cleaned up immediately and thereby prevent this wildlife hazard from spreading. This could be enforced by employing more Enforcement officers.
7. Consider options for 'on the spot' fines against developers who damage or harm significant wildlife habitats including Devon Banks, mature native trees and other habitats known to be used by protected wildlife species.
8. Ban the use of pesticides and herbicides including glyphosate (commercially known as Roundup) on Council owned land.
9. Consider virtual supports that can be provided to enable parish councils, local organisations and residents to propose highway verges and other publicly owned green spaces for Life on the Verge sites; i.e. sites that could benefit wildlife and biodiversity by being left to an out of season cutting regime. This could be provided via an extension of the on-line mapping pages to include a new 'Life on the Verge' page on the Report it (Highways) on-line services.

## **17. Women's Health Inequalities**

Councillor Atkinson to move:

This Councils share concerns raised in the House of Lords recent debate following the call for evidence on women's health about the risk of COVID-19 accelerating women's health inequalities, for example due to delays in regular screening that are likely to increase the number of women with pelvic and breast cancers and the increased likelihood as data shows that women suffer more than men from long covid and other auto immune illnesses such as ME Fibromyalgia Sarcoidosis as well as Migraines.

This Council requests the Government to invest more into research on women's health when it sets out its strategy for improving women's health.

**18. Single Use Plastics**

Councillor Atkinson to move:

This Council believes we have a single use plastics problem in Devon and will respond to parliaments plastics waste enquiry Chaired by the Devon MP Neil Parish to suggest how we can overcome the single use plastics problem and reduce waste and ensure we do not export our single use plastic problem overseas.

**19. Industrial Strategy**

Councillor Atkinson to move:

The Government scrapped the 2017 Industrial strategy that this Council and the Heart of the South West spent much time responding to with plans. The Government's 2021 Build back better vision remains an aspiration and so far, there has been no announcement of any strategy to implement this. This is urgent as budgets are now set until 2022.

This Council

- Supports the recommendations in the industrial strategy council's annual report on March 2021 and
- Believes if Devon is to prosper and respond effectively to the economic effects of Brexit and the Pandemic the Government should as a matter of urgency, be developing a long-term Net Zero Industrial Strategy, to accompany a more detailed road-map for the huge job of transforming the UK's energy economy and post pandemic recovery and recognises that if the 2050 net zero greenhouse gas target is to be met it will need investment in skills and innovation to bring down the cost of the transition,
- Believes the Government should set out a refocused Healthcare Industrial Strategy, building on the successes of the old "Life Sciences Strategy" but focusing more on population health, and learning both the positive and negative lessons from the way the UK's health and life sciences sector responded to the pandemic.
- Asks the Government to provide more funding for research and development to support the local marine, Aerospace engineering and design businesses.

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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**





## APPEALS COMMITTEE

7 June 2021

Present:-

Councillors J Hawkins (Chair), P Henderson, S Parker-Khan, C Slade and C Whitton

\* **1**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 19 April 2021 be signed as a correct record.

\* **2**      **Exclusion of the Press and Public**

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

\* **3**      **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 2021/22.

\* **4**      **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:-

ST180	Topsham – Clyst St Mary Primary	Appellant and Local County Councillor
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# Agenda Item 9.(a)

2

APPEALS COMMITTEE

7/06/21

ST181	Tavistock – Okehampton College	Appellant and Local County Councillor
ST182	Axminster – Seaton Primary	Appellant and Local County Councillor
ST181	Kenton – Isca Academy	Appellant and Local County Councillor

## **RESOLVED:-**

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

ST182      Axminster – Seaton Primary

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

ST180      Topsham – Clyst St Mary Primary

ST181      Tavistock – Okehampton College

ST181      Kenton – Isca Academy.

## **NOTES:**

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

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

The Meeting started at 9.45 am and finished at 1.40 pm



## INVESTMENT AND PENSION FUND COMMITTEE

18 June 2021

### Present:-

#### Devon County Council

Councillors J Morrish (Chair), P Bullivant (Vice-Chair), Y Atkinson, H Gent, M Hartnell,

#### Other Employer

D Healy,

#### Unions/Retired Members

R Franceschini and J Cook,

#### Unitary/District Councils

J O'Dwyer, M Lowry, Cllr J Pearce and S Teague

### Apologies:-

Councillors G Gribble

### Members attending in accordance with Standing Orders 8 and 25

Councillor J Hodgson

\* **1** Minutes

**RESOLVED** that the Minutes of the Meeting held on 26 February 2020 be signed as a correct record.

\* **2** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* **3** Pension Board

The Committee noted the Minutes of the Meeting of the Board held on 26 April 2021.

\* **4** Brunel Oversight Board

The Committee noted the Minutes of the Meetings of the Board held on 28 January 2021 and 25 March 2021.

# Agenda Item 9.(b)

2

INVESTMENT AND PENSION FUND COMMITTEE

18/06/21

## \* 5 Annual Internal Audit Report 2020/21 and Proposed Internal Audit Plan 2021/22

The Committee considered the Report of the County Treasurer (CT/21/53) on the Annual Internal Audit Report – 2020/21, the Internal Audit Plan 2021/22 and the Service Level Agreement with the Audit Partnership service.

Members noted that overall, and based on work performed during 2020/21, Internal Audit had provided ‘reasonable assurance’ on the adequacy and effectiveness of the Fund’s internal control environment. This assurance opinion was comparable to the previous year’s assurance rating of “significant assurance”.

The proposed Audit Plans for the financial year 2021/22 allowed for up to 40 days of internal audit support for the Pension Fund and 45 days for Peninsula Pensions, which provided 85 days of internal audit provision overall. Details of the Plan were set out in Appendix 1 of the Report. The ongoing situation with Covid-19 and its potential impact on resources within the Devon Pension Fund, Peninsula Pensions and the Devon Audit Partnership was noted. Audit Officers would liaise with management regarding audit prioritisation and any impacts on the audit timetable as the situation unfolded.

Members discussion points with the Head of Audit included:

- a summary of management actions from last year’s audit was included in the Report and there had been no areas where management had not agreed with Audit proposals;
- remote working over the pandemic had been effective as both the client and Audit had had the necessary IT infrastructure and with robust continuity planning; and in future more in-person contact would be resumed with the continued option for remote working; and
- re-assurance about the high grade data security within Peninsula Pensions for the protection of fund members and employers.

It was **MOVED** by Councillor J O’Dwyer, and **SECONDED** by D Healy and

### **RESOLVED**

(a) that the Annual Internal Audit Report for 2020/21 be noted;

(b) that the Internal Audit Plan for 2021/22 be approved;

(c) that the Assistant County Treasurer (Investments) be authorised to execute the Service Level Agreement relating to the Internal Audit Plan for 2021/22.

## \* 6 Investment Management Report

(Councillor J Hodgson attended in accordance with Standing Order 25 (2) and spoke to this item and referred to the engagement activity carried out by the Local Authority Pension Fund Forum on behalf of the Committee detailed in Appendix 2 of the Report and requested further more direct action by this Committee in regard to its investments associated with fossil fuels and also referred to the data relating to this)

The Committee considered the Report of the County Treasurer (CT/21/54) on the Fund value and asset allocation, performance against the benchmark, funding level, budget forecast 2020/21 and 2021/22, cash management, and engagement activity. The value of the Fund as at 31 March 2021 stood at £5,035m, an increase of around £110m over the last quarter.

Members' discussion points with Officers included:

- reference to the Committee's active engagement with companies to address climate change issues in accordance with the agreed strategy as adopted by the Brunel Partnership and weighting in fossil fuels largely due to its passive investments and work to address this and misleading data (in regard to the CO2 investments) which did not take account of the relative size of the Devon Fund;
- the encouraging data relating to Committee's Investment CO2 footprint which was reducing and ongoing initiatives in this regard to passive investments;
- the proposal for investment in corporate bonds in-line with the agreed strategy and on which more detailed information relating to areas covered would be provided to the Committee by Brunel in their updates and briefings; and
- note of the current good total value of the Fund in excess of £5bn (largely due to recovery of equities) following a significant dip as a result of the pandemic.

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by Councillor J Pearce and

## **RESOLVED**

(a) that the Investment Management Report be noted;

(b) that an additional £50 million be invested in the Brunel Sterling Corporate Bonds portfolio, funded by the overweight allocation to Passive Equities;

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

\* 7

## **Climate Change and Carbon Footprint**

(Councillor J Hodgson attended in accordance with Standing Order 25 (2) and spoke to this item and referred to proposals for infrastructure investments to promote local initiatives in accordance the Devon County Council declaration on a climate emergency).

The Committee considered the Report of the County Treasurer (CT/21/55) on climate change policy and the Committee's commitment to achieving net zero investment portfolios by 2050, the Fund's carbon footprint; explanation of the reserves exposure; and Brunel's launch of sustainable equities portfolio. The full text of the net zero commitment, which had been launched by the Institutional Investors Group on Climate Change (IIGCC) in March, was set out at Appendix 1 to this Report. The full detail of the commitment would require further strengthening of the Fund's policies on climate change, and this was addressed further in the Report.

A key element towards achieving the net zero target entailed continued monitoring of the Fund's carbon footprint and exposure to extractive industry and potential stranded assets. A full analysis of the Fund's carbon footprint was being carried out on an annual basis, and this Report also provided details of the assessment as at 31 December 2020.

# Agenda Item 9.(b)

4

INVESTMENT AND PENSION FUND COMMITTEE

18/06/21

Members' discussion points with Officers included reference the Committee's investment in renewable infrastructure funds via Brunel and the relative exposure of the Committee's investments in companies associated with fossil fuels and an initiative to address this by the proposed increased investment in sustainable equities.

It was **MOVED** by R Franceschini and **SECONDED** by Councillor H Gent and

## **RESOLVED**

(a) that the revised climate change section of the Investment Strategy Statement set out at Appendix 2 to this Report be approved;

(b) that the allocation of an additional £100 million to the Brunel Sustainable Equities portfolio to be funded from the UK Passive allocation be approved.

\* 8

## **Funding Strategy Statement and Supporting Policies**

The Committee considered the Report of the County Treasurer (CT/21/56) on the Funding Strategy Statement (FSS) drafted in consultation with all employers. The purpose of the FSS was to explain the funding objectives of the Fund and how the cost of the benefits provided under the Local Government Pension Scheme were met through the Fund. It also defined the objectives in setting employer contribution rates and the funding strategy that was adopted to meet these objectives.

As a result of the new regulations and guidance, revisions were proposed to the Funding Strategy Statement (revised version was attached at Appendix 1 to the Report). The revised FSS made reference to two new policies, one in relation to contribution reviews and one in relation to Deferred Debt Arrangements (DDAs) and Debt Spreading Agreements (DSAs). These were also attached at Appendices 2 and 3 to the Report.

The Report also detailed other changes to the Statement in relation to inflation assumptions, the McCloud/Sargent issue which still remained unresolved and the position in regard to School Multi Academy Trusts (MATs).

It was **MOVED** by Councillor Y Atkinson, **SECONDED** by R Franceschini and

## **RESOLVED**

(a) that the revised Funding Strategy Statement set out at Appendix 1 to the Report be approved;

(b) that the Contributions Review Policy set out at Appendix 2 to the Report be approved;

(c) that the Deferred Debt and Debt Spreading Agreement Policies set out at Appendix 3 to the Report be approved.

\* **9**      **Training Review and 2020/21 Training plan 2021/22**

(Councillor J Hodgson attended in accordance with Standing Order 25 (2) and spoke to this item and requested that she and other members be offered the training proposed in this Report)

The Committee considered the Report of the County Treasurer (CT/21/57) on the training undertaken in 2020/21 (subject to update from Members as necessary) and the proposed 2021-22 Training Plan (attached at Appendix 2) which set out proposals for training to be provided over the year in order to ensure that both the Members of this Committee and the Pension Board gained the knowledge and skills required in accordance with the CIPFA Code.

The training plan had been reviewed to ensure that it reflected current best practice. The training plan had also been considered and endorsed by the Devon Pension Board at their meeting on 26th April 2021.

It was **MOVED** by Councillor P Bullivant, **SECONDED** by Councillor H Gent and

**RESOLVED** that the Training Plan be approved and adopted for 2021/22.

\* **10**      **Employer Changes**

The following applications for admitted body status; and academy conversions and changes had been approved since the last meeting of the Committee:

(a) New Admitted Bodies

- Expedite commenced cleaning contract for ALUMNIS MAT 1 May 2021, closed agreement.
- Innovate Ltd commenced catering contract for Colyton Grammar School 1 Sept 2020, closed agreement.
- Mid Devon District Council 'Tuped' 1 person to 3 Rivers Development Ltd 1 April 2021 closed agreement.
- Transforming Futures MAT have 'Tuped' various groups of staff to DELT 1 May 2021 as a passthrough arrangement.

(b) New Academy Conversions and Changes

- Orchard Manor School joined Thinking Schools Academy Trust 1 February 2021.
- Queen Elizabeth Academy Trust joined Ted Wragg MAT 1 February 2021.

\* **11**      **Dates of Future Meetings**

17 September 2021, 26 November 2021; and 25 February 2022 followed by the fund members' consultation meeting.

\* **12**      **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 100(A)(4) of the Local Government Act 1972 on the

# Agenda Item 9.(b)

6

INVESTMENT AND PENSION FUND COMMITTEE

18/06/21

grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## \* 13 Aviva Infrastructure Fund

(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/21/58) on the Fund's investment in the Aviva Investors Infrastructure Income Fund.

The Report detailed a number of options that could be considered in relation to the Devon Fund's investments in this area.

It was **MOVED** by Councillor P Bullivant, and **SECONDED** by Y Atkinson and

**RESOLVED** that the County Treasurer be delegated to take action as appropriate as set out in the Report.

## \* 14 Brunel Update and Reserved Matters Requests

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

The Committee noted the Report of the County Treasurer (CT/21/59) on the appointment of Non-Executive Directors and the agreement of a revised Shareholder Agreement which had been authorised by the County Treasurer under delegated powers.

## \* 15 Independent Investment Advisor Arrangements

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

(The Committee's Independent Adviser withdrew from the meeting for the duration of the consideration of this item)

The Committee considered the Report of the County Treasurer (CT/21/60) on the specification for the role of the Independent Advisor whose current contract was due to expire in September 2021, and proposed changes to the specification and procurement process. Members also referred to a performance appraisal process for the current and future advisor for further consideration, which could be fed-in to the audit arrangements.

It was **MOVED** by Councillor P Bullivant, **SECONDED** by Councillor Y Atkinson and

**RESOLVED**

# Agenda Item 9.(b)

7

INVESTMENT AND PENSION FUND COMMITTEE

18/06/21

(a) that the revised specification for the role of the Independent Investment Advisor to the Committee and the proposed procurement process be approved;

(b) that Councillor J O'Dwyer, Councillor Y Atkinson and R Franceschini be authorised (on behalf of the Committee) to attend the provider presentations; and

(c) that should there be a delay in the procurement, the County Treasurer be authorised to extend the current contract for up to a limit of 6 months.

## **NOTES:**

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2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.30 am and finished at 12.15 pm





## STANDARDS COMMITTEE

29 June 2021

### Present:-

Councillors J Trail BEM (Chair) M Asvachin, J Bailey, P Maskell, L Samuel and C Slade

Sir Simon Day, I Hipkin, R Hodgins, A Mayes, R Saltmarsh

### Apologies:-

Councillors A Connett and P Henderson

#### \* 1 **Minutes**

**RESOLVED** that the minutes of the meeting held on 23 March 2021 be agreed as a correct record.

#### \* 2 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 3 **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CSO/21/12](#)) summarising the feedback from Co-opted Members of this Committee on their attendance at recent virtual meetings of Committees since the previous meeting, monitoring compliance by Members and Officers with the Council's ethical governance framework.

A number of positive comments had been made relating to clear explanations from Officers, a controversial item being handled well, that it was good to see the public taking part, fast publication of the minutes and good preparation by Members for the meeting.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code.

#### \* 4 **Customer Feedback Monitoring Report**

The Committee considered the Report of the Strategic Customer Relations Manager on the volumes and themes for all types of customer feedback (Complaints, Representations and Compliments), letters from Members of Parliament (MP Enquiries) and complaints being dealt with by the Local

# Agenda Item 9.(c)

2

STANDARDS COMMITTEE

29/06/21

Government and Social Care Ombudsman (LGSCO) about Devon County Council (DCC) for the financial year 2020-21 (1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021).

It also provided information regarding overall response times and issues arising from upheld complaints.

Finally, the Report provided complaint summaries, findings and recommendations on those complaints upheld by the LGSCO in 2020-21.

Members noted that between the 31<sup>st</sup> March and 29<sup>th</sup> June 2020 due to the Covid 19 pandemic and in line with LGSCO guidance issued at that time, the Council had only accepted complaints that raised high risk or safeguarding matters. However, all complaint correspondence was still logged and dealt with through service areas. Stemming from this, complaint data was not available for the reporting period, but it would be included in future reports.

Appendix 1 – Table 1 contained a summary of customer feedback activity for 2020-21. Members noted that “Stage 1 Complaints” referred to any complaint dealt with locally by the service. “Stage 2 Complaints” referred to any Childrens Social Work complaint escalated to Stage 2, within the Childrens Statutory Complaints Procedure. “Complaints LGSCO” referred to any complaint received by the Council from the LGSCO. It was noted the numbers of complaints that escalated to the LGSCO had been low across the whole organisation.

The number of Stage 1 complaints continued to increase after Q1 through 2020-21 and this reflected the fact that both the LGSCO and DCC’s Customer Relations Team (CRT) were closed for all feedback, bar those items that raised either high risk or safeguarding matters. Appendix 1 – Table 2 provided a breakdown of the number of complaints received by directorate.

Members also noted a new project with Childrens Social Care which promoted a restorative approach to complaints with a focus on early conversations with service users to focus on an early resolution to issues.

Members discussed the future reporting mechanisms for the Committees consideration of this data.

## **RESOLVED**

(a) that the Report be noted; and

(b) that future Reports be brought on an annual basis, reporting on any exceptions on a six monthly basis.

\* 5 **Local Determination of Complaints**

The Deputy County Solicitor reported that, since the last meeting, two complaints concerning an alleged breach of the Members Code of Conduct had been received relating to Councillors ‘failing to treat others with respect’ ‘acting in a manner that could cause the Council to breach an equalities enactment’ and ‘bringing the office but not the Council into disrepute’.

Following an initial assessment of the complaints and consultation with an Independent Person appointed by the Council it had been agreed that no further action be taken on one complaint on the basis that the Councillor was not acting in the capacity of County Councillor so there had been no breach of the code to warrant further investigation. In relation to the second complaint, it was felt the Councillor had failed to treat others with courtesy and respect, but there had been no breach of any equality enactments. Whilst the Councillor was repeating a published opinion and did not intend any offence, he agreed to apologise.

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

The Meeting started at 2.15 pm and finished at 2.39 pm



## AUDIT COMMITTEE

30 June 2021

### Present:-

Councillors R Scott (Chair), I Hall (Vice-Chair), D Barnes, J Berry and I Roome

### Apologies:-

Councillors F Biederman and R Peart

#### \* 1 **Minutes**

**RESOLVED** that the Minutes of the meeting held on 25 February 2021 be signed as a correct record.

#### \* 2 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 3 **Annual Audit Letter 2019/20**

The Committee considered the Report by Grant Thornton via the County Treasurer of the Annual Audit Letter 2019/20, for Devon County Council and the Devon Pension Fund. The report was a public facing summary of the work undertaken by the External Auditors for 2019/20.

The Report's main findings were previously discussed at the meeting of the Audit Committee on 25 February 2021.

The Committee noted the report.

#### \* 4 **External Audit Plan for Devon County Council 2020/21**

The Committee considered the Report by Grant Thornton via the County Treasurer of the External Audit Plan for Devon County Council 2020/21. The Report provided an overview of the planned scope and timing of the statutory audit of Devon County Council.

Grant Thornton had determined planning materiality to be £17.2 million for the Council which equated to 1.5% of the Council's gross expenditure in the prior year. The threshold below which uncorrected omissions or misstatements were considered 'clearly trivial' was set at £860,000.

Two areas of significant weakness were identified under the risk assessment of the Council's Value for Money arrangements, namely the Council's

# Agenda Item 9.(d)

2

AUDIT COMMITTEE

30/06/21

response to the January 2020 Ofsted inspection of Children's Social Care Services, and the Council's plans to reduce its SEND overspend. The audit was expected to commence in July 2021 with a total proposed fee of £126,916. This was an increase from an actual fee of £113,750 for 2019/20.

Members' discussion points included:

- the justification for the increase in audit fees for the 2020/21 financial year. It was explained that this was due to the Financial Reporting Council (FRC) making adjustments to expected auditing standards, that the external auditors had identified an increase in the complexity of financial transactions in Local Government which required greater audit scrutiny, and that the increase in audit fees was reasonable when considering the approximately £1.6 billion annual turnover of the Local Authority. Members were also made aware that Government had made an additional £15 million of grant funding available to Local Authorities to cover additional auditing costs.

It was **MOVED** by Councillor Roome, **SECONDED** by Councillor Berry and

**RESOLVED** that the audit plan for Devon County Council be approved.

## \* 5 External Audit Plan for Devon Pension Fund 2020/21

The Committee considered the Report by Grant Thornton via the County Treasurer of the External Audit Plan for Devon County Council 2020/21. The Report provided an overview of the planned scope and timing of the statutory audit of the Devon Pension Fund.

Grant Thornton had determined planning materiality to be £50 million for the Pension Fund which equated to 1% of the fund's forecast net assets as at 31 March 2021. The threshold below which uncorrected omissions or misstatements were considered 'clearly trivial' was set at £2.5 million.

Three areas had been identified as significant risks which would require special audit consideration and procedures to address the likelihood of a material financial statement error, namely: Management override of controls; Valuation of Level 3 Investments; and Actuarial Present Value of Promised Retirement Benefits. The audit was expected to take place in July and August 2021 with a total proposed fee of £35,274. This was an increase from an actual fee of £33,865 for 2019/20.

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

**RESOLVED** that the audit plan for the Devon Pension Fund be approved.

## \* 6 Internal Audit Annual Report 2020/21

The Committee considered the Report of the County Treasurer (CT/21/47) of the Internal Audit Annual Report for 2020/21 which provided the end of year opinion of the Council's Internal Audit Service (Devon Audit Partnership) and described the progress against the internal audit plans for 2020/21 that were approved by the Audit Committee in February 2020 and as subsequently revised.

The Report offered an update on the overall impact of COVID-19, namely that the internal audit plan for the Council had been altered to take account of the refocusing of service staff on COVID pandemic response activity.

Two areas had been highlighted as having No Assurance. These were:

- Community Equipment Budget, where the Assurance Opinion indicated Fundamental Weaknesses (with a green Direction of Travel Assurance); and
- Learn Devon, where the Assurance Opinion indicated No Assurance owing to a systemic problem of ongoing poor practice that needed to be addressed.

These areas, alongside Limited Assurance areas, were to be followed up on to ensure improvements, and reported on at a later date.

Overall, the Head of Internal Audit was able to issue an opinion of Reasonable Assurance on the adequacy and effectiveness of the internal control framework within the County Council.

Members' discussion focused on the impact of COVID-19 on the work of the Devon Audit Partnership. It was explained to the Committee that, by necessity, extensive testing of business continuity plans and reviews of incident plans had been undertaken to prevent future disruptions akin to those that had been caused by the pandemic.

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Roome and

**RESOLVED** that

- a) the overall annual assurance opinion be reviewed and considered by the Committee;
- b) the performance of Devon Audit Partnership be reviewed and considered by Members during the year;
- c) the outcomes of the work completed be reviewed and considered; and
- d) the ongoing commitment to counter fraud activities be reviewed.

\* 7

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

The Committee considered the Report of the County Treasurer (CT/21/48) of the Risk Management Annual Report for 2020/21 which set out the changes

# Agenda Item 9.(d)

4

AUDIT COMMITTEE

30/06/21

to risk management during 2020/21 and confirmed the role of the Audit Committee as per the Council's Risk management Policy.

The Report provided Members with a summary of the Current Risk Position as at 28<sup>th</sup> May 2021, with two risks showing a Current Risk score of Very High. Members were also presented with a Risk Information dashboard which would provide Members a live summary of the Council's risk position.

Member's discussion points included:

- clarification on the different categories of risk; namely, the distinction between Inherent Risk (before controls were put into place) and Current Risk (after controls were put into place); and
- some risks had a higher Current Risk rating than Inherent Risk and the reasoning behind this. It was explained that the Inherent Risk rating was drafted on pre-pandemic scenarios.

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

**RESOLVED** that

- a) the following be considered by the Committee in relation to its oversight of the Risk Management Process:
  - i) the movement of risks during 2020/21;
  - ii) the changes and updates to the risk management process (as supported by Devon Audit Partnership);
  - iii) the plans for further enhancements for Risk Management for 2021/22;
  - iv) the summary risk position for current risks;
  - v) the extract of risks currently ranked the highest;

and that

- b) the Corporate Risk Management Group role and responsibilities document (updated June 2021) be endorsed.

## \* 8 **Counter Fraud Policy and Strategy & Response Plan**

The Committee received the Report of the County Treasurer (CT/21/49) of the updated Anti-Fraud, Bribery and Corruption Policy (Appendix 1) and detailed Strategy and Response Plan (Appendix 2). The Report highlighted the importance of improved accountability and resilience in the face of the increasing risk of fraud.

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

**RESOLVED** that



- a) the updated Anti-Fraud, Bribery and Corruption Policy (Appendix 1) and detailed Strategy and Response Plan (Appendix 2) be approved; and
- b) the Audit Committee received an update on progress made in relation to Anti-Fraud at each subsequent meeting.

**NOTES:**

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

The Meeting started at 2.15 pm and finished at 3.20 pm



## PUBLIC RIGHTS OF WAY COMMITTEE

1 July 2021

### Present:-

Councillors L Hellyer (Chair), R Chesterton, J Bradford, J Brook, I Chubb and D Sellis

### Apologies:-

Councillors D Thomas

\* **157**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 11 March 2021 be signed as a correct record.

\* **158**      **Items Requiring Urgent Attention**

There was no item requiring urgent attention.

\* **159**      **Announcements**

The Chair announced as follows:

- (a) Mr R Walton was welcomed as the new Public Rights of Way and County Parks Manager.
- (b) Mrs H Clayton, Senior Public Rights of Way Officer, would be leaving the Council after 18 years' service and wished her success for the future.
- (c) Tribute was paid to the previous Chair of the Committee, Mr P Sanders.

\* **160**      **Devon Countryside Access Forum**

The Committee received the draft minutes of the virtual meeting held on 27 April 2021. The next meeting would be held on 21 September 2021.

\* **161**      **Parish Review: Definitive Map Review 2018-2021 - Parish of Wembury Part 3**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/21/34), which examined a proposal to upgrade the current Footpath No. 28 Wembury to a public bridleway.

# Agenda Item 9.(e)

2

PUBLIC RIGHTS OF WAY COMMITTEE

1/07/21

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by upgrading Footpath No. 28, Wembury to a public bridleway as shown on drawing number HIW/PROW/20/27A.

\* **162**      **Parish Review: Definitive Map Review 2019-2021 - Parish of Thornbury**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/21/35), which examined the Definitive Map Review in the Parish of Thornbury.

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

**RESOLVED** that completion of the Definitive Map Review in the Parish of Thornbury be noted and that no modifications are required.

\* **163**      **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/21/36) on a Modification Order confirmed as unopposed under delegated powers.

\* **164**      **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/21/37) on confirmed Public Path Orders made under delegated powers.

**NOTES:**

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

The Meeting started at 2.15 pm and finished at 2.26 pm

# Agenda Item 9.(e)

3

PUBLIC RIGHTS OF WAY COMMITTEE

1/07/21



## PROCEDURES COMMITTEE

2 July 2021

### Present:-

Councillors S Aves, F Biederman, A Connett, R Hannaford, J Hodgson, S Hughes, J Trail BEM (Chair) and J McInnes

### Apologies:-

Councillors J Hart and C Leaver

#### \* 1 **Overview / Refresher of Committee Role and Remit**

The Committee received an overview presentation from the County Solicitor and Head of Democratic Services on the role, remit and terms of reference for the Committee.

#### \* 2 **Minutes**

**RESOLVED** that the minutes of the meeting held on 20<sup>th</sup> April 2021 be signed as a correct record.

#### \* 3 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

#### \* 4 **Motions at Council - Item raised under Standing Order 23(2)**

In accordance with Standing Order 23(2) Councillor Trail had requested that the Committee consider this matter, however, the item was withdrawn.

# Agenda Item 9.(f)

2

PROCEDURES COMMITTEE

2/07/21

## \* 5 Council Meeting - 22 July 2021

In view of the continued uncertainty regarding social distancing requirements, the Committee noted that the Council meeting on 22 July would take place at the Corn Exchange in Exeter.

It was **RESOLVED**;

- that the Alderman ceremony be postponed until the October meeting;
- that the Leadership Group would not be expected to attend the meeting;
- that a reminder regarding Lateral Flow Testing and how to access them be sent to Group Leaders; and
- that a further conversation would need to take place, involving public health and the health and safety team, regarding how Committee meetings and site visits would operate beyond any Government changes on the 19<sup>th</sup> July, notwithstanding a likely focus on personal responsibility moving forwards.

### **NOTES:**

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

The Meeting started at 10.30 am and finished at 11.10 am