

County Council
Thursday, 21st July, 2022



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

13 July 2022

Your attendance is requested at the Meeting of the Devon County Council to be held in the Council Chamber at County Hall, Exeter on Thursday, 21st July, 2022 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 26 May 2022.

3. Announcements

4. Items Requiring Urgent Attention

5. Waiver of 6 Month Councillor Attendance Rule

Section 85 (1) of the Local Government Act 1972 states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a member of the Authority."

Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.

The same Section 85 (1) enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.

Due to continued health issues which have impacted on attendance, the Council is asked to give approval of a dispensation for Councillor James Morrish.

6. Public Participation: Petitions, Questions and Representations

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

7. Petitions from Members of the Council

8. Questions from Members of the Council

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

FRAMEWORK DECISION

NIL

OTHER MATTERS

9. Cabinet Member Reports

To consider reports from Cabinet Members.

10. Minutes

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

(a) Appointments, Remuneration and Chief Officer Conduct Committee - 25 May 2022 (Pages 1 - 2)

The Council is asked to endorse Minute 26 relating to the appointment of the Director of Integrated Adult Social Care.

(b) Appointments, Remuneration and Chief Officer Conduct Committee - 28 June 2022 (Pages 3 - 6)

The Council is asked to endorse Minute 31 relating to the appointment of

the Director of Legal and Democratic Services.

(c) Appointments, Remuneration and Chief Officer Conduct Committee - 21 July 2022

The minutes will be published as soon as possible after the meeting – [Appointments, Remuneration and Chief Officer Conduct Committee 21st July 2022](#).

The Council is asked to endorse the minute relating to the approval of the appointment of the Chief Executive (Interim).

(d) Audit Committee - 7 June 2022 (Pages 7 - 10)

(e) Investment and Pension Fund Committee - 17 June 2022 (Pages 11 - 18)

(f) Public Rights of Way Committee - 30 June 2022 (Pages 19 - 22)

(g) Procedures Committee - 5 July 2022 (Pages 23 - 26)

Including the approval of the proposed amendments to the Constitution.

(h) Standards Assessment Sub Committee - 5 July 2022 (Pages 27 - 28)

(i) Standards Committee - 7 July 2022 (Pages 29 - 32)

(j) Children's Scrutiny Committee - 14 June 2022 (Pages 33 - 38)

(k) Health and Adult Care Scrutiny Committee - 21 June 2022 (Pages 39 - 46)

(l) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 23 June 2022 (Pages 47 - 54)

NOTICES OF MOTION

11. Better Buses For Devon (Minute 113 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194a – to be published shortly) 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

That this Council:-

a) Notes with great concern **the huge reduction in the bus network across Devon**, that has taken place **since privatisation, deregulation, and under funding**.

b) Believes buses are essential to freeing up congested road space, to cleaning up the air that we all breathe and above all to connecting people to jobs, friends and life opportunities.

c) Records the specific ongoing problems that our local **school pupils and college students** have in properly attending their places of education across Devon through inaccessible public transport.

d) Concludes that the bus service in Devon now presents itself as a failed model, to the extent that it no longer has widespread public confidence, because of its serious long term poor performance and

post pandemic dysfunctionality.

e) Notes the completely unacceptable regional imbalances in funding for public transport services which prioritise the South East of England, and believes this must be radically reformed, and central government must do more to provide significant funding to revitalise local transport in the South West.

f) Wants to develop, design and achieve a good public transport system that runs where people need it, when people need it and at a price that is affordable.

g) Understands that the Government's impact assessment of the **Bus Service Act (2017)** highlighted that public control would better address **six out of seven Local Transport Authority objectives** compared to an enhanced partnership and was the only method likely to deliver a "significant increase in patronage".

h) Supports exercising powers to bring Devon's bus services back under local control via franchising, at the earliest practicable date.

i) Acknowledges that the costs of franchising cannot be estimated accurately until a "**notice of intent**" has been released and the associated statutory powers to access bus operators' commercial data is employed.

Therefore, this Council requests that the Administration:-

(i) To conduct a **statutory assessment of franchising** at the earliest possible opportunity in 2022.

(ii) Explore a **notice of intent to prepare a franchising assessment** at the earliest opportunity.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - [Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon](#) will show the resolution of the Cabinet.

12. First Homes Not Second Homes (Minute 114 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(b) – to be published shortly) 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

In response to Devon's serious and ongoing housing crisis council supports the following measures:

1) New powers from Government for Councils to progressively raise taxes on holiday lets and unused second homes, up to a quadrupling of council tax, where homes are left empty for much of the year.

2) A licensing regime for second homes, Airbnbs and holiday lets - with a minimum of 51% of homes in any community being for local people. Councils should have the powers to raise this level to reflect local

circumstances.

3) A " Last Shop in the Village Fund" - powers for local councils to introduce a Community Infrastructure Levy on holiday lets and Airbnbs, administered by local authorities, to support local shops, pharmacies, post offices and pubs.

4) Commitment to build affordable homes and social housing across the South West with a priority for local people.

5) Lock in the discount of new homes for future renters and buyers to ensure affordable homes are not lost after the first families move on.

Council therefore resolves to formally write to the Government, including the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities, requesting the appropriate changes in legislation to secure these much needed changes as a matter of urgency.

Furthermore, Council resolves to formally write to all our local Devon Members of Parliament advising them of the Councils decision, urging them to also urgently propose, lobby for, support and crucially vote for these vital measures in Parliament.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - [Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon](#) will show the resolution of the Cabinet.

13. MOT Certification Scheme (Minute 115 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(c) - to be published shortly) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Letch and referred thereto in accordance with Standing Order 8(2), namely

‘This Council recognises the value of the MOT Certificate scheme to assure roadworthiness of vehicles and will investigate the way to introduce an MOT Certificate scheme for the County's roads to assure everyone that they are fit for use by us all.’

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - [Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon](#) will show the resolution of the Cabinet.

14. Implementation Process of 20mph Roads and Zones (Minute 116 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(d) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely

‘In light of the level of response to the recent call by DCC for Town and Parish Councils to nominate roads for 20mph speed limits and zones, the Council will seek to investigate, support and implement at least 50% of the applications in this financial year, and consider the remainder for implementation in 2023/24’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - [Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon](#) will show the resolution of the Cabinet.

15. Building on Devon County Council Owned Brown-field Land to provide Homes for Devon

Councillor Wrigley to move

The Council notes:

- The world-wide concerns on the supply of food, in particular wheat following the war in Ukraine and climate change issues globally.
- The need for improved food security in the UK, encouraging more food production requiring grade 1 agricultural land including use in less intensive ways.
- The need for affordable homes, especially for health and social care workers set in sustainable locations.
- The change of work patterns of many Devon residents to have fewer days in an office setting and more days working from home in a hybrid model.

This Council commends:

The acquisition of 34 Hectares of Grade One agricultural land for county owned Markham’s Farm in 2009 with the express purpose to make the farm viable.

In the light of the need for thousands more affordable homes for Devon families, the lack of any form of homes to rent long-term in Devon, and to enable homes for incoming workers for health and social care provision this council resolves to:

- 1) Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the

- council.
- 2) Work with the District Councils and their registered provider partners as housing providers
 - 3) Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements.
 - 4) Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability.

In the site review particular attention will be given to the Topsham Road County Hall site. This site is antiquated and in the wrong place for modern council operation. Office space and meeting space would be far more efficient in a modern working location such as alongside the council's other offices in Sowton or in Marsh Barton – both out of the town centre but well connected by train, bus and by road.

The current County Hall site would be far more effective if it were remodelled to become homes for rental, with a proportion reserved for NHS and social Care staff and many at social rent levels. This would provide much needed affordable homes and a rental income stream for the council. Turning a liability into a significant revenue generating asset.

Converting the existing office blocks and building new homes on the enormous supply of parking space would provide a highly desirable and green residential location with good connection to the RD&E hospital site and the city centre.

The hundreds of rented flats delivered would not only provide homes for local families, but also a long-term rental income for the Council that should exceed the cost of out-of-town office space.

Other sites owned by the council across the county should be identified and used in a similar way.

16. Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s

Councillor Hannaford to move:

Council notes that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 67,000 of the affected women are in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of

maladministration in its handling of the State Pension Age increase for women born in the 1950s.

- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that “the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice.”
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.
- WASPI’s figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.
- Despite the Ombudsman’s findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.

Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Devon and on local government, not least because:

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950s

Council supports:

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

Council asks:

- The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the communities in Devon and to seek their support for an immediate compensation package.

17. Sewage Discharges and Impacts on Wildlife and Public Health

Councillor Bailey to move:

Sewage discharges not only harm wildlife but also pose a serious risk to public health as has been recently confirmed by Chief Medical Officer Professor Chris Whitty.

According to data from the Rivers Trust there were 12,436 sewage spills for a duration of 120,933 hours in Devon in 2021.

Sewage was discharged into the River Otter for 8457 hours in 2021. This includes discharges at Fluxton for 723 hours and upstream at Honiton where sewage was discharged continually for 1974 hours from 16th January 2021 to 10th April 2021.

This Council considers sewage discharges and the associated harm to wildlife and public health totally unacceptable and agrees to write to South West Water to express its very great concern about the impact of sewage discharges on the rivers of Devon and to urge South West Water that this practice must cease urgently.

This Council also requests that the CEO Susan Davey, in recognition of the severity of the situation, considers not taking the whole of her current annual salary of £1.7 million until such time as a substantially improved situation is achieved.

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It is to be noted that Members of the Council must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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Induction Loop available



APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

25 May 2022

Present:-

Councillors A Connett, J Hart (Chair), J McInnes (Vice-Chair), C Whitton and A Saywell

*** 22 Minutes**

RESOLVED that the minutes of the meeting held on 14 April 2022 be signed as a correct record.

*** 23 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

*** 24 Director of Integrated Adult Social Care**

The Committee noted that recruitment process for the Director of Integrated Adult Care would commence under Part 2 legislation.

*** 25 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.

26 Director of Integrated Adult Social Care

The Committee interviewed two candidates for the post of Director of Integrated Adult Social Care with a view to making a recommendation upon an appropriate appointment to the County Council on the 21 July 2022.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement and the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution).

Agenda Item 10.(a)

2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE
25/05/22

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, such as the very high level and breadth of experience and responsibility required for the role 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 then **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes and;

RESOLVED that whilst both candidates were of an exceptionally high calibre and appointable to the post, Council be recommended to appoint Tandra Forster to the post of Director of Integrated Adult Social Care on grade L1, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

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 9.30 am and finished at 1.57 pm

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

28 June 2022

Present:-

Councillors J Hart (Chair), J McInnes (Vice-Chair), C Whitton, F Letch MBE and A Saywell

*** 27 Minutes**

RESOLVED that the minutes of the meeting held on 25 May 2022 be signed as a correct record.

*** 28 Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chair had decided that the Committee should consider this item as a matter of urgency, in order that it could consider the implications of the recent announcement (since the publication of the agenda) that the Chief Executive planned to retire with effect from 31 August.

The Committee placed on record its thanks to Dr Norrey for his commitment and service to the people of Devon over the last seventeen years.

The Committee also noted that further work was required to benchmark and assess the salary, terms and conditions for the Chief Executive role in order to attract the highest calibre of candidate for the organisation in a highly competitive recruitment context.

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

RESOLVED

(a) that the Committee agree to the commencement of process for the appointment of an interim Chief Executive to be in post until such time that a permanent appointment can be made;

(b) that an Appointments, Remuneration and Chief Officer Conduct Committee be convened to appoint and recommend the interim Chief Executive to the Council and furthermore determine the job description, salary and terms and conditions for a new permanent Chief Executive;

(c) that a Report on the process and timeline for the permanent appointment be circulated to Members of the Committee and delegated authority be given to the Leader of the Council to agree the practical matters such as the

Agenda Item 10.(b)

2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE
28/06/22

selection of agency and advertising requirements; noting that the proposed advert and supporting microsite will be shared with Members of the Committee; and

(d) that an Appointments, Remuneration and Chief Officer Conduct Committee be arranged to recommend a candidate for the position of permanent Chief Executive to the Council.

* **29** **Director of Legal and Democratic Services**

The Committee noted that recruitment process for the Director of Legal and Democratic Services would commence under Part 2 legislation.

30 **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.

31 **Director of Legal and Democratic Services**

The Committee interviewed three candidates for the post of Director of Legal and Democratic Services with a view to making a recommendation upon an appropriate appointment to the County Council on 21 July 2022.

The process had been undertaken in line with the terms of reference of the Appointments, Remuneration and Chief Officer Conduct Committee, the Pay Policy Statement and the Chief Officer Employment Procedure Rules (set out at Part 6 of the Constitution).

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, such as the high level and breadth of experience and responsibility required for the role 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 **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED that the Council be recommended to appoint Maria Price to the post of Director of Legal and Democratic Services on grade L3, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

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 9.30 am and finished at 2.03 pm

,AUDIT COMMITTEE

7 June 2022

Present:-

Councillors R Scott (Chair), M Hartnell (Vice-Chair), D Barnes, J Berry, F Biederman, R Peart and I Roome

* 36

Minutes

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

* 37

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

38

Devon County Council and Devon Pension Fund Update 2021/22

The Committee noted the Report by Grant Thornton of the Audit Progress Report and Sector Update for Devon County Council and Devon Pension Fund 2021/22.

Grant Thornton highlighted a national issue regarding the accounting for infrastructure assets, which would impact on Devon County Council and all local authorities with material infrastructure assets such as highways, coastal defences etc. CIPFA had described this as a complex and serious issue and had set up a group to consider the issues arising. Consequently, completion of the 2020-21 audit could not be completed until CIPFA's work had concluded.

* 39

External Audit Plan for Devon Pension Fund 2021/22

The Committee noted the Report by Grant Thornton of the External Audit Plan for Devon County Council 2021/22. The Report provided an overview of the planned scope and timing of the statutory audit of the Devon Pension Fund.

Areas identified as significant risks included: Management override of controls; Valuation of Level 3 Investments; and Actuarial Present Value of Promised Retirement Benefits.

Grant Thornton had determined planning materiality to be £50.6 million for the Pension Fund which equated to 1% of the fund's prior year 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.

Agenda Item 10.(d)

2

AUDIT COMMITTEE

7/06/22

The audit was expected to take place in July and August 2022 with a total proposed fee of £38,374. This was an increase from an actual fee of £35,274 for 2020.21.

Members' questions and discussion covered:

- as to the completion of the audit, the Government had indicated an extension from the end of September to the end of November and the timetables referred to in the report reflected this.

* 40 **Internal Audit Annual Report 2021/22**

The Committee reviewed and considered the Report of the Director of Finance (DF/22/55) of the Annual Internal Audit Report for 2021/22, 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 2021/22 that were approved by the Audit Committee in February 2021 and as subsequently revised.

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.

Responses to Members' questions included:

- Following the 2021-22 audit, Learn Devon now had an assurance opinion of Reasonable Assurance, as against the No Assurance opinion in 2020-21.
- The risk area of 'Highways – Well maintained highways infrastructure – follow up' would be reported on at the next Committee meeting, following further audit work.
- Key concerns to be followed up in 2022-23 included Direct Payments in both Children's and Adult Services; and SEND in Children's Services.
- Cyber security remained a concern, but close working between internal audit and the Council's IT team took place on a regular basis to ensure mitigation of risk.
- The Advisory work undertaken on 'Embedding Mental Health – Prevention Concordat' had now concluded, therefore, Public Health were now in a position to take this forward.
- Future reports would include a new format to state how long an area had been 'red'.

Members noted the report.

* 41 **Risk Management Annual Report 2021/22**

(Councillor Barnes declared a personal interest in this item by virtue of working for a trade union representing care workers.)

The Committee considered the Report of the Director of Finance and Public Value of the Risk Management Annual Report for 2021/22, which set out the changes to risk management during 2021/22 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 12 May 2022. Of the 173 risks, 10 showed a Current Risk score of Very High (relating to Children's Social Care, Integrated Adult Social Care, the COVID-19 pandemic and Cyber-attack).

Points particularly highlighted in the report included:

- Members were referred to the online [Power Bi – Current Risk Data](#) which provided further information on the latest position of existing risk.
- The CIRS Scrutiny Committee would have oversight of the Council's Race Equality Audit 2021 outcomes, and the Race Equality framework and action plan which was being developed, however, relevant updates would be provided to the Committee as required.

Member's questions and discussion points covered:

- Query on page 94 of the report relating to the timing of the Government's ruling on mandatory vaccinations for care workers, which would be looked at.
- The new Children's Social Care Service risk relating to death or serious injury to a child, which was now included in the system.
- Officers would look at whether the Risk and Mitigation could be shown alongside each other in future reports.

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

RESOLVED that the Risk Management Policy (updated May 2022) be endorsed.

* 42

Counter Fraud Services Annual Report and Update

The Committee noted the Report of the Director of Finance (DF/22/54) with attached Counter Fraud Annual Report and Update, which detailed work undertaken and work still required in order to mitigate the challenges posed by fraudulent activity for the Council.

Of highlight in the report was the National Fraud Initiative, which was an exercise run and reported on by the Cabinet Office, matching electronic data within and between public and private sector bodies to prevent and detect fraud and error. These exercises provided significant 'on paper' estimated savings.

Agenda Item 10.(d)

4

AUDIT COMMITTEE

7/06/22

The Devon Audit Partnership would support completion of the NFI returns and results would be reported to this Committee in future Counter Fraud updates.

* **43** **Future Meetings**

RESOLVED that the 6 December 2022 meeting be brought forward to the 29 November 2022.

NOTES:

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

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

The Meeting started at 2.15 pm and finished at 3.13 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 10.(e)

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 10.(e)

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 10.(e)

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

(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:

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 10.30 am and finished at 12.15 pm

PUBLIC RIGHTS OF WAY COMMITTEE

30 June 2022

Present:-

Councillors L Hellyer (Chair), D Barnes, J Bradford, J Brook, I Chubb and D Thomas

Apologies:-

Councillors R Chesterton and D Sellis

Members attending in accordance with Standing Orders 8 and 25

* 27

Minutes

RESOLVED that the minutes of the meeting held on 10 March 2022 be signed as a correct record.

* 28

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 29

Devon Countryside Access Forum

The Committee received and noted the draft minutes of the Devon Countryside Access Forum meeting held on 25 April 2022.

Reference was made to the January 2026 cut-off date (as set out in the Countryside and Rights of Way Act 2000) for claims made on historic evidence which was likely to be repealed. Concerns were raised that this could lead to an increase in work and could lead to delays on the Definitive Map Review. However, the Public Rights of Way and Country Parks Manager assured members that this would likely have little impact on priorities and work would continue on the Devon map review. The Committee agreed to note this point.

* 30

Parish Review: Definitive Map Review - Parishes of Bradford & Cookbury

The Committee considered the report regarding a footpath as part of the Definitive Map Review in Bradford and Cookbury.

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

Agenda Item 10.(f)

2

PUBLIC RIGHTS OF WAY COMMITTEE

30/06/22

RESOLVED that no Modification Order be made to modify the Definitive Map and Statement by upgrading Footpath No. 1, Bradford, to a bridleway between points A – B – C – D – E – F – G – H, as shown on drawing number HCW/PROW/20/37.

* **31** **Schedule 14 Application: Parish of Newton Poppleford & Harpford**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a claimed footpath known as Moor Lane, Southerton, between county road Lynch Head and Footpath No. 17, points A-B on the proposal map HIW/PROW/22/08.

The application included 30 user evidence forms and the route appeared to have been well-used historically.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hellyer and **RESOLVED** that a Modification Order be made in respect of the proposal for a footpath between the county road at Lynch Head and Footpath No. 17.

* **32** **Schedule 14 Application: Parish of Colyton**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a proposal about a claimed footpath between Whitwell Lane and Holyford Lane, Colyton, points A-B on the proposal map HIW/PROW/22/10.

The recommendation was for an order to be made to record a footpath in respect of the application. This was based on assessment of the evidence.

There was debate, discussion and questions regarding historic use of the footpath and related signage at different points in time. Some of the strongest user evidence was from the 1950s to 1980s but there was also information regarding more recent permissive signage.

The proposal was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Bradford with two votes for and three against.

It was **RESOLVED** that no Modification Order be made in respect of the proposal for a Footpath between Whitwell Lane and Holyford Lane, Colyton.

* **33** **Schedule 14 Application: Parishes of Loddiswell and Aveton Gifford**

(The following people attended the meeting under the Council's Public Participation Scheme: Mrs Wilson, the applicant who spoke in support of the application and Mrs Savary and Mr Hunt, spoke against the application)

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding an application for a footpath starting at point A on plan no. HIW/PROW/22/28 on the county road east of Langland

Bridge and continuing in a north westerly direction along Stanton Lane, past Stanton Court and Stanton Cottage to the brook by Higher Stanton Coppice, continuing south west through the trees the parish boundary with Aveton Gifford and continues west thorough pasture to join Footpath No.16 at point F.

Points A - B and points B - C on the plan are public highways and so it is points C – F to which consideration of a public footpath applied.

The report concluded that in the absence of user evidence, it cannot be shown that there has been use as of right. The documentary evidence is considered insufficient to show that there had been express or implied dedication by any landowner or any acceptance by the public of the claimed route as a public footpath. It was therefore recommended that no modification be made.

It was **MOVED** by Councillor Barnes and **SECONDED** by Councillor Thomas and **RESOLVED** that no Modification Order be made to modify the Definitive Map and Statement by the addition of a public footpath continuing from Stanton Lane to Footpath No.16, Aveton Gifford as marked C - D - E - F on drawing number HIW/PROW/22/28.

* **34** **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/19) on decisions received from the Secretary of State.

* **35** **Public Path Diversion and Definitive Map Modification Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/20) on Public Path Diversion and Definitive Map Modification Orders that has been confirmed as unopposed under delegated powers.

* **36** **Public Path Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/21) on Public Path Orders that had been made and confirmed under delegated powers.

37 **Dates of Future Meetings**

The Committee noted the dates for future meetings of 3 November 2022 and 9 March 2023.

NOTES:

Agenda Item 10.(f)

4

PUBLIC RIGHTS OF WAY COMMITTEE

30/06/22

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

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

The Meeting started at 2.15 pm and finished at 3.05 pm

PROCEDURES COMMITTEE

5 July 2022

Present:-

Councillors F Biederman, J Hart, J Hodgson, S Hughes, C Leaver, D Barnes, C Whitton, J Brazil and I Hall (Chair)

* 17 **Minutes**

RESOLVED that the minutes of the meeting held on 8 February 2022 be signed as a correct record.

* 18 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* 19 **Statutory Guidance on the Making and Disclosure of Special Severance Payments**

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/13) on the Statutory guidance on the making and disclosure of Special Severance Payments and additional Governance required.

The Report considered the Statutory guidance on the making and disclosure of Special Severance Payments which had published by the Department for Levelling Up, Housing and Communities on 15 May 2022 which set out the criteria that employers should consider in the exceptional circumstances in which it might be appropriate to make a Special Severance Payment. The Report gave examples of the exceptional circumstances and clarification of the disclosure and reporting requirements for Special Severance Payments.

The Government expected that any Special Severance payments be approved according to the following processes:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011;
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment; and
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments.
- Where the proposed payment is to the Head of Paid Service (Chief Executive), to avoid a conflict of interest it is expected that the payment

Agenda Item 10.(g)

2

PROCEDURES COMMITTEE

5/07/22

should be approved by a panel including at least two independent persons.

Section four of the Report outlined the proposals in order to be compliant with the Statutory Guidance.

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

RESOLVED

(a) that the contents of the Statutory guidance on the making and disclosure of Special Severance Payments be noted;

(b) that the Council be recommended to amend the terms of reference for the Appointments, Remuneration and Chief Officer Conduct Committee to incorporate its consideration of Special Severance payments of over £100,000 and make appropriate recommendation to the Full Council, in line with the Localism Act 2011;

(c) that a new delegation be authorised to the Chief Executive for Special Severance Payments of £20,000 and above, but below £100,000, to include Leader approval (and others involved in payment sign off) as well as the Director of Finance and Public Value;

(d) that a further delegation to the Director of Legal and Democratic Services and Chief Finance Officer (Director of Finance and Public Value) be agreed, to determine Special Severance payments below £20,000; and

(e) that when the proposed payment is to the Head of Paid Service, ensure it is approved by a panel (Appointments, Remuneration and Chief Officer Conduct Committee) and the two independent persons and the appropriate amendments be reflected in the terms of reference for the Committee.

* 20 **Proposed Amendment to Standing Orders (Postponing Meetings)**

The Committee noted that a piece of work had been undertaken to assess the potential impact of Operation London Bridge on County Council meetings and Committees.

The Committee noted that there could be a requirement to postpone meetings or take any urgent decisions under delegated powers which was permissible under the Constitution.

However, if an agenda had been published, there was no mechanism to postpone if this was required.

Without any ability to hold meetings any meetings under the Local Government 1972 or those with Executive functions remotely, it also posed an

issue with circumstances such as severe weather conditions which could prevent may attendees from physically attending the meeting.

It was therefore proposed to amend Standing Orders to include a provision as below.

If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority or Committee.

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

RESOLVED that Council be recommended to amend Standing Orders to incorporate the following provision;

If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority or Committee.

* 21

Casual Vacancy - Declarations

The Committee noted that [Section 86 of the Local Government Act 1972](#) described the declaration by the Local Authority of vacancy in office in certain cases, either through ceasing to be qualified as a Member of the authority; or becoming disqualified or by reason of failure to attend meetings of the authority.

The casual vacancy did not occur until the Council declared the office to be vacant (which should happen forthwith after the person had ceased to be a Member of the Authority).

The Council had received guidance from [ADSO and Lawyers for Local Government](#) which said 'provided the Council's Constitution has granted the proper officer the power to declare the office of councillor vacant, they can do so immediately after the person has ceased to be a member'.

Where no such power existed, the vacancy must be declared at a Council meeting, which meant a delay between the person ceasing to be a Member and the vacancy occurring, as it was very much dependent on the date of the next Council meeting.

The guidance paper recommended that Councils' Constitutions provided delegated authority to the proper officer of the Council to declare vacancies that occurred in relation to Section 86 of the Local Government Act 1972. The requirement for the Council to forthwith declare the office to be vacant placed an expectation that this would happen without delay.

Agenda Item 10.(g)

4

PROCEDURES COMMITTEE

5/07/22

Members commented that consultation with Group Leaders at the appropriate time would be welcomed.

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

RESOLVED that the scheme of delegation be amended to give power to the Proper Officer so that vacancies in office (as outlined in section 86 of the Local Government Act 1972) can be declared in the timely manner as anticipated by the legislation.

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 10.30 am and finished at 10.52 am

STANDARDS ASSESSMENT SUB COMMITTEE

5 July 2022

Present:-

Councillors J Bailey and I Hall (Chair) and Mrs A Mayes

*** 19 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

*** 20 Exclusion of the Press and Public**It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Bailey, and

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

*** 21 Allegation of Breach of Members Code of Conduct**

The Assistant County Solicitor presented the Assessment Sub-Committee with the following documentation;

- Constitution - Part 6a (Code of Personal Conduct) Members Code of Conduct;
- Guidance/Procedural Note for the Assessment Determination of Allegations of Breaches of the Code of Conduct for Members;
- Initial Complaint documentation;
- the Subject Member's response to the complaint; and
- Comments from the Independent Person

relating to a complaint received on an alleged breach of the Members Code of Conduct.

He summarised the nature of the allegations and also the subject Members response to those complaints.

Agenda Item 10.(h)

2

STANDARDS COMMITTEE

5/07/22

The Sub-Committee considered all of the documentation referred to above with a view to determining whether or not the allegations appeared to disclose a failure to observe the code of conduct and then, if it judged such an appearance of failure, whether the matter merited investigation (with any investigation report to be presented in due course to the Standards Committee for determination) or whether they would wish to pursue or agree some other course of action.

The Sub Committee also noted the views of the Independent Person, from the email documentation contained within the Reports pack.

It was **MOVED** by Councillor Hall, **SECONDED** by Mrs Mayes that the Sub Committee recommend the Assistant County Solicitor further investigate the allegations and ask the Standards Committee to consider and determine whether there had been a breach of the Code of Conduct and if so, any course of action it feels appropriate.

The Motion was put to the vote and was declared tied, therefore in accordance with standing order 32(3), the Chair exercised his second vote in favour of the Motion, which was therefore **CARRIED**.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes asked that her support for the approved resolution be recorded)*

NOTES:

Minutes should always be read in association with any Reports for a complete record.

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

The Meeting started at 2.00 pm and finished at 2.50 pm

STANDARDS COMMITTEE

7 July 2022

Present:-

Councillors M Asvachin, A Connett, I Hall, I Hipkin, A Mayes, R Saltmarsh, L Samuel, C Slade

Apologies:-

Councillors Sir Simon Day, R Hodgins and P Maskell

* 19 Minutes

It was **MOVED** by Anne Mayes, **SECONDED** by Councillor Connett, and

RESOLVED that the minutes of the meeting held on 22 March be agreed as a correct record.

* 20 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 21 Ethical Governance Framework: Monitoring

The Committee received the report of the County Solicitor (Interim) ([CSO/22/9](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

Of particular note, which was pleasing, was reference to very clear reports, pertinent questioning, good comments and chairing. There was reference to intermittent use of microphones which along with issues of broadband quality might have contributed to poor sound quality which was supported by a member who also had difficulty listening into a meeting held in the council chamber recently.

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

Agenda Item 10.(i)

2

STANDARDS COMMITTEE

7/07/22

* 22 Local Government (Disqualification) Act 2022

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/12) on the Local Government (Disqualification) Act 2022 which updated the disqualification criteria for local authority Members.

Members were informed the Act, which came into force on 28 June 2022, explicitly disqualified individuals who were subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office.

There had been a reminder that the Committee had submitted a response to the consultation about the proposals for this and it was highlighted that the Council would also ensure that pre-election information would also be updated with this information and requirements for prospective councillors.

Members were pleased with the new legislation but expressed disappointment and concern that this did not apply to Police and Crime Commissioners and Members of Parliament and felt there should be the same standard applied across all those who stood in public office.

It was **MOVED** by Councillor Connett and **SECONDED** by Councillor Bailey and **RESOLVED** that the Chair, write on behalf of the Council, to Government requesting them to bring in legislation that applied the same criteria to all local and national politicians.

* 23 Committee on Standards in Public Life - Review of Local Government Ethical Standards and Government Response

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/10) regarding the Government's response to the Committee on Standards in Public Life Review of Local Government Ethical Standards.

Members recalled the Council had submitted a response to the consultation carried out by Committee on Standards in Public Life and the formal report had been published in 2019. This made several recommendations and in response to this the Council had reacted and revised guidance around bullying and harassment, adopted an annual review of the Code of Conduct, and published the gifts and hospitality register on Member profile pages, among other amendments.

The Government's response was that many of these suggestions did not need a legislative response but could be more appropriately, effectively, and swiftly taken forward by local authorities as best practice.

There was some discussion on this item which included:

- disappointment that many issues were being kept under review and lack of action, particularly with regard to offences committed

- public disclosure of members addresses – there was concern about the increase in abuse and intimidation experienced by councillors
- the threshold for determining non-disclosure of councillor addresses – it was clarified this was agreed by the Monitoring Officer who looked at requests sympathetically
- practice at other authorities in terms of disclosing addresses
- examples of first-hand experience of threatening and intimidating behaviour to members

Following the concerns and comments raised it was proposed and welcomed that further work be carried out by officers for options aiming to improve councillors' safety, including possible disclosure of addresses, and that a report be brought back for consideration of the committee.

* 24 Local Determination of Complaints

The County Solicitor reported that, since the last meeting, there had been five complaints concerning an alleged breach of the Members Code of Conduct had been received relating to County Councillor behaviour or lack of response.

The complaints raised included behaviour at a Parish Council meeting, failure to respond, unavailability, chairing of a committee meeting, and lack of courtesy and respect.

Following an initial assessment of each of the complaints and consultation with an Independent Person appointed by the Council, it had been agreed that in four of the five complaints there had been no breach of the Code.

The last complaint against Cllr Trail of failing to treat others with courtesy and respect was found to be a breach of the Code and he has accepted this and given an apology.

There was some discussion about the number of complaints and the Monitoring Officer was asked if he thought there had been an increase in the last year. It was felt there had been an increase and the majority of these particularly concerned a lack of response by Members. The meeting was informed that each complaint was looked at on an individual basis and assessed and so far, the Monitoring Officer had not found a breach of the Code based on a lack of response by a County Councillor. It was suggested that group leaders could be made aware of increase in complaints regarding lack of response by members to respond to accordingly.

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*

Agenda Item 10.(i)

4

STANDARDS COMMITTEE

7/07/22

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

The Meeting started at 2.15 pm and finished at 2.59 pm

CHILDREN'S SCRUTINY COMMITTEE

14 June 2022

Present

Councillors R Hannaford (Chair), P Sanders (Vice-Chair), S Aves, L Hellyer, F Letch MBE, L Samuel, M Squires and Mrs C Mabin (Church of England representative)

Present (remotely)

Councillors C Channon, J Bradford and J Brazil

Apologies

Councillors P Bullivant, G Gribble, J Hawkins and J Wilton-Love

Members attending in accordance with Standing Order 25

Councillors A Leadbetter and A Saywell

* 43

Minutes

RESOLVED that the Minutes of the meeting held on 6 April 2022 be signed as a correct record.

* 44

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 45

Public Participation

There were no oral representations from members of the public.

* 46

Scrutiny Committee Work Programme

(a) Work Programme

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

RESOLVED that the 2022/23 Work Programme for the current year be agreed.

(b) Election of Commission Liaison Member

In line with the recommendations of the 'Scrutiny in a Commissioning Council' [Task Group Report](#), the Committee was asked to select a Commissioning

Agenda Item 10.(j)

CHILDREN'S SCRUTINY COMMITTEE
14/06/22

Liaison Member, whose role was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and to provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

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

RESOLVED that Councillor Sanders be elected as Commissioning Liaison Member for the ensuing year.

* 47

Children's Social Care Performance

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

The Cabinet Member for Children's Services and Schools updated the Committee on the following points in particular:

- Ofsted's next Social Care monitoring visit would take place on 21/22 June.
- Dawn Stabb, Head of Education and Learning had retired from post on 31 May.

The Committee received the Report of the Chief Officer for Children's Services which provided a performance update on Children's Social Care.

The Report outlined the following key points:

- The monthly percentage of children being re-referred within 12 months was just above the national and statistical neighbour averages.
- The rate of children per 10,000 with a child protection plan was higher than the national average and statistical neighbours.
- The timeliness of initial child protection conferences was a priority area for improvement, and live tracking showed this was an area that required continued focus by managers and the QARRS service.
- The rate of children in care per 10,000 was stable and lower than the national and statistical neighbour averages.
- Outcomes for the 17-18 age range in terms of suitable accommodation and education, training and employment was significant below the national averages.
- The percentage of agency social workers in March continued to be higher than the Council's ambitions. The Cabinet's decision however to improve the rates for agency staff was anticipated to show improvement.
- Twenty overseas social workers would be joining the Service this year in addition to newly qualified, front line and apprentice social workers.

Members' discussion points and questions with Officers in response to the Report included:

- Scrutiny's focus should continue to be around the volume of work and improvement of recruitment and retention of staff and its associated challenges.
- Housing for key workers – initiatives were currently being considered, and someone would be nominated corporately to work with Children's recruitment specialist. Members considered the matter serious enough for the Council to undertake an Intervention.
- A report had been taken to the Leadership Group on the housing situation and the Chief Officer undertook to ask if that report could be shared with Scrutiny Members.
- The rigorous recruitment process and strong inductions that new social workers from abroad had to undergo to ensure they met the Council's standards, including the language skills required to function professionally here.
- West Sussex County Council had experience of overseas recruitment and the Chief Officer would follow up with her counterpart there on any shared learning.
- Referral timeliness was under constant review; and there was a new Partnership Group that met regularly to discuss strategic issues.
- The Early Help review was progressing and it was hoped to have a new Strategy by July/August.
- An update on the percentage of closed cases would be provided to Members.
- Recent data shows that 97% of children had been seen during assessment, and the remainder were usually children that had not yet been born.
- Improvement to the timeliness of ICPCs was likely to be seen in the autumn.
- Reassurance was given to the Committee that the whereabouts of all Care Leavers was known; and Officers would update Members with the current number of rough sleepers (if any).
- There were approximately 603 children currently on child protection plans, although numbers varied daily.
- Of key importance and as part of the improvement journey was the continuity of social workers.
- Officers would revert to Members to clarify if the percentage of Pathway plans not up-to-date were included in the NEET percentage.

The Chair thanked Officers for the report.

* 48 **Education Transport Budget Savings**

The Committee received the Report of the Head of Education and Learning (CS/22/06) on Education Transport budget savings, which set out an update on the school savings programme up until the end of month one, April 2022, in the 2022/23 financial, as requested at the Budget Children's Scrutiny Committee on 18 January 2022.

In the preparation of the 2022/23 Mid Term Financial Strategy a request for funding to meet growing demand and increased costs, specifically related to

Agenda Item 10.(j)

CHILDREN'S SCRUTINY COMMITTEE
14/06/22

personalised transport was unsuccessful. By the time of 2022/23 budget preparation, the funding gap was identified as totalling £6.6million, based on the current level of demand and anticipated growth of 7% in passengers with an EHCP requiring personalised transport.

The Transport Co-ordination Service (TCS) had a strong track record of managing transport contracts and reducing costs, including reviewing routes, providing more sustainable transport options, minimising the number of single occupancy transport and working with parents to provide their own transport.

TCS had made good progress in achieving savings through the route review programme. However, the combination of transport market pressures and the projected growth in the number of SEND passengers requiring transport, meant that the expectation that the Transport team could review transport and save £5.6million on top of existing savings targets was unachievable.

Members' questions and discussion with Officers included:

- Work was underway to try and mitigate cost pressures, particularly in regard to residential placements.
- Clarity was sought on the mileage criteria for SEND transport eligibility, and Officers agreed to provide this information post-meeting.
- Although more school children were using Stagecoach services in Exmouth and Sidmouth, TCS were currently working with Stagecoach to try and prioritise school movements across the sector.

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

RESOLVED that the Committee:

- (a) welcomes the success so far on the school transport route review programme and savings and the actions the work of the Transport Co-ordination Service to reduce the impact of Personalised Transport for passengers with Education, Health and Care Plans;
- (b) welcomes the findings of the Devon Audit Partnership and the exploration of an in-house school transport service as requested at its January 2022 Budget meeting; and
- (c) places on record its concerns that budget pressures of £5.6million cannot be achieved.

* 49

Child Friendly Devon Task Group

The Committee considered the Report and Recommendations of the Child Friendly Devon Task Group. Child Friendly Devon formed part of the Council's ambition to be an Outstanding rated authority for its Children's Services.

As part of Devon's improvement journey, Devon had entered a Sector Led Improvement Programme with Leeds City Council's Leeds Relational Practice Centre. Leeds had experience in improving from an Inadequate to Outstanding rating. Devon was taking the lessons learnt from Leeds on best practice and system-wide solutions to form part of a strategic aim to make Devon the best County to grow up in, creating a 'Child Friendly Devon'.

The Chair was pleased to report that Children's Services would have an exhibition stand at the forthcoming Devon County Show.

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

RESOLVED that the Report and Recommendations be endorsed and commended to Cabinet.

* 50 **Children's Social Care Visits Report**

The Committee received the Report on Children's Social Care Visits, which was part of Members' ongoing work in monitoring the performance of local services and ensuring that they heard from front-line staff. Visits had been made to the following:

- MASH, County Hall, Exeter
- Taw View, Barnstaple
- Estuary House, Newton Abbot
- Atkinson Secure Children's Home, Exeter
- Oaklands Court, Tiverton
- County Hall, Exeter

In summary, Members had spoken to at least 57 staff who had said that they felt supported by a great team; that Children's Services was an attractive place to come and work; that staff welcomed the shared vision of the new Senior Leadership team and the stability they brought to the Service; that staff felt the service was going in the right direction and praised the move to prioritising children and young people; but there was more to do on permanent recruitment and retention where full compliments of staff were needed to deal with demand and rising complexity of cases.

The Committee wished to place on record its thanks to the Scrutiny Members and staff who took part and facilitated the visits.

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

The Meeting started at 10.30 am and finished at 12.28 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 June 2022

Present:-

Councillors S Randall-Johnson (Chair), C Whitton (Vice-Chair), T Adams, J Bailey, D Cox, P Crabb, L Hellyer (remotely), P Maskell, R Peart, D Sellis, R Scott, M Wrigley, and J Yabsley

Member attending in accordance with Standing Order 25

Councillor J McInnes

Apologies:-

Councillors R Chesterton and S Parker-Khan

* 49

Minutes

RESOLVED that the Minutes of the meeting held on 17 March 2022 be signed as a correct record.

* 50

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 51

Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged representations from Councillor Chris Clarence, Councillor Sylvia Russell, John Smith GERALYN Arthurs and Dr. David Halpin on a matter to be considered by the Committee namely 'Update on Modernising Health and Care Services in the Teignmouth and Dawlish Area' (Minute 52* refers). They highlighted their concerns relating to the proposals (for a range of reasons) and need to retain services and in-patient beds at the Teignmouth Community Hospital and requested that a further referral be made to the Secretary of State for Health and Social Care in the best interest of health services in the area.

* 52

Update on Modernising Health and Care Services in the Teignmouth and Dawlish area

(Councillor M Wrigley declared a personal interest by virtue of his membership of the Teignbridge District Council's Executive)

Agenda Item 10.(k)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/06/22

The Committee considered a report from the Devon Clinical Commissioning Group (CCG) on an Update on Modernising Health and Care Services in the Teignmouth and Dawlish area. The CCG Report summarised the response from the Secretary of State for Health and Social Care to the referral from the Scrutiny Committee; reported on the progress on the Health and Wellbeing Centre project in Teignmouth; and outlined the CCG's response to the recommendations made by the IRP following the referral made by this Committee in March 2021.

The Independent Reconfiguration Panel, advising the Secretary of State had considered the referral on its merits and concluded that NHS Devon Clinical Commissioning Group had consulted adequately with Devon County Council's Health and Adult Care Scrutiny Committee on its proposal. The Panel had provided its view on the impact of the proposal on equality issues and also considered the effects of the COVID-19 pandemic. A series of recommendations, accepted by the Secretary of State, had been set out for consideration by this Committee and the Clinical Commissioning Group.

The Clinical Commissioning Group's Report detailed its response to the Panel's recommendations as detailed in the Panel's response.

Members' observations, comments and discussion with the Director of Commissioning Primary, Community and Mental Health Care; the Chief Medical Officer, NHS Devon; the Deputy Programme Director – Devon Long Term Plan, NHS Devon; and the System Director, Torbay and South Devon NHS Foundation Trust included:

- explanation by the officers of the background to date and the response by the Independent Reconfiguration Panel (IRP) in relation to the initial referral, and in particular the IRP acknowledging the Clinical Commissioning Group's (CCG) evidence on reducing hospital admissions and that the integrated care model was able to care for around four times as many patients at home when compared to caring for patients on a ward at Teignmouth Community Hospital;
- the national and local 'direction of travel' with integrated care systems developing home care where appropriate to provide safe and optimum outcomes for patients;
- the community benefits of providing health, GP and care services under one roof with multi-disciplinary teams at the proposed Brunswick Road site and the commitment of the CCG (through a stakeholder group) to work with this Committee, other partners/stake holders and the community in the development of services and the future use of the hospital site;
- confirmation that the IRP recommendations had been made within the context of the pandemic, that the sale of the land for the Hub had been approved by the District Council, that planning permission was pending and that the anticipated building works were due to start in 2023; and that the development would also promote the economic and social benefits for the area (a new aim within 'New Devon' ICS objectives);

- confirmation that the development of the Hub was not dependent on the sale of the hospital site and funds were in place for the health hub;
- the local engagement proposals (through a local stakeholder group) in regard to the hospital site which could include a Committee member and noting proposals for designation of the hospital building as an 'asset of community value';
- confirmation that of the two GP practices in the Town only the larger one would be moving to the Hub and this did not negate its rationale;
- skilled work force sufficiency for care closer to home, the increasing acuity of home care patients and use of technology such as the development of the 'virtual ward' and improving patient record access;
- question on local highway signage which had been removed by Devon Highways which would be investigated by the CCG; and
- acknowledgment of the ongoing difficulties with local ambulance waiting times, delays in discharge from acute settings and access to accident and emergency and the objective of the new model of care (spearheaded in Devon) to help mitigate these issues.

It was **MOVED** by Councillor D Cox, and **SECONDED** by Councillor M Wrigley that this Committee refer to Rt Hon Sajid Javid MP, Secretary of State for Health and Social Care, that closure of Teignmouth Hospital is not in the interest of Health Service in the area in light of the: (a) covid emergency, (b) ambulance service response times; and (c) Integrated Care Organisation.

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

It was then **MOVED** by Councillor S Randall Johnson, and **SECONDED** by Councillor J Yabsley and

RESOLVED that the progress and outcomes (as detailed in the Clinical Commissioning Group report) be noted and that the CCG (to become NHS Devon from 1 July 2022) and this Committee welcome the advice of the IRP in Recommendation 6 and continue to build on the recent progress in working more closely together.

(N.B. In accordance with Standing Order 32(4) Councillors J Bailey, D Cox and M Wrigley requested that their vote in favour of the first motion and against the decision taken be recorded)

* 53

South Western Ambulance Service Trust: Spotlight Review

The Committee considered the Spotlight Review Report on the Service and with reference to delays in transfers, response times, impact on patients and personnel, role of NHS 111; and work with key partners within the Devon Integrated Care System. The terms of reference for the review had been:

- To evaluate the current situation in Devon in terms of SWAST performance and impact on patient outcomes.

Agenda Item 10.(k)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/06/22

- To consider the factors impacting on ambulance wait times.
- To review measures to alleviate delays in ambulance wait times.
- To report back to the Health and Adult Care Scrutiny Committee with recommendations from the findings of the spotlight review.

It was **MOVED** by Councillor S Randall Johnson and **SECONDED** by Councillor J Yabsley

(a) that the Spotlight Review be commended (subject to the change in Recommendation 1 below) and that the Cabinet and the NHS in Devon endorse the report and recommendations with a response on progress back to Committee in January 2023;

(b) that Recommendation 1 be amended to the following:

That the Committee calls for a system wide commitment to *substantially* improve average ambulance response times urgently.

Councillor J Bailey then **MOVED** an Amendment, **SECONDED** by Councillor M Wrigley that urgent consideration be given to Devon Community Hospital beds which have been closed as the closures are a contributing factor in the delays in admissions to acute settings.

The Amendment was put to the vote and declared **LOST**.

The Motion (as detailed above **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Yabsley) was then put to the vote and declared **CARRIED**.

* 54 Development of the Integrated Care System for Devon - One Devon

The Committee considered a Report from the Deputy Chief Executive, NHS Devon Clinical Commissioning Group on the development of the Integrated Care System for Devon (which would be known as 'One Devon' from 1 July 2022). It set out the progress made to develop the Integrated Care System for Devon against Government requirements, building on a series of previous papers to this Committee as the ICS was developing. The Report also set out how One Devon was responding to financial and performance challenges.

Members' observations and discussion points with the Chief Executive (designate) ICS One Devon, and Deputy Chief Executive of the Integrated Care System for Devon (ICSD) (both attending remotely) included:

- the national and local context, governance arrangement, a One Devon financial overview, performance and the NHS System Oversight Framework and its progress;
- reset of a 'fair share' distribution of national funding over the next three years from 2022/23 and for Devon this showed that the Integrated Care

Board was currently 7% above its fair share target and therefore there would be greater than average impact from convergence, further squeezing the allocation for the next three period;

- the welcome appointment of Councillor J McInnes as the co-Chair of the One Devon Partnership ICS Board;
- the challenges in adequate pharmacy cover particularly in North Devon commissioned by NHS England and which the Deputy Chief Executive undertook to discuss further with local members outside of this meeting;
- updated patient record keeping with the amalgamations of the Northern Health Trust with the Exeter RD&E Trust;
- the relative balance of clinical and non-clinical support staff and the overall work force planning across the ICS; and
- the benefits of more collaboration and opportunity to learn for example within Community Diagnostics and Day Case Surgery;

The Chair thanked the NHS officers for their attendance and Report and indicated the Committee's support for the continued development of the Integrated Care System in Devon.

* 55 **Developments, Challenges and Opportunities in Mental Health in Devon**

The Committee considered a Report from the Chief Executive, Devon Partnership Trust/ System Chief Executive for Mental Health, Learning Disabilities and Neurodiversity on Developments, on an update on key developments, challenges and opportunities faced in addressing the mental health needs of Devon's population. It aimed to:

- Help Members understand the mental health services provided by the NHS in the footprint;
- Raise awareness of the challenges in the system, along with developments and opportunities;
- Encourage support and commitment for mental health services in the county
To support this, it includes information relating to:
 - The needs of the local population; and
 - Current service provision and challenges
 - Key developments and opportunities in mental health in the health and care system.

Member comments and discussion points with the Chief Executive, Devon Partnership Trust; and the Interim Joint Medical Director for Devon Partnership (both attending remotely) included:

- the range and scope of mental health Services in the County;
- the continued need for parity of esteem and investment which had progressed but more was required (12% of NHS resources with a requirement of 23% for mental health care; and £360m for mental health

Agenda Item 10.(k)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/06/22

care in Devon, compared to £1.3bn for acute health care physical services);

- work to improve the transition of children's services (including CAHMS) into adult mental care services with the County Council, particularly in relation to young care leavers for example;
- the lack of 'place of safety' provision and agreement for central specialised provision in Exeter (Wonford site) following discussion with senior police officers;
- work with the local authority in relation to intermediate mental health care and the development of a Devon wellbeing hub for staff; and
- Members interest in undertaking a DPT site visit(s).

It was **MOVED** by Councillor S Randall Johnson and **SECONDED** by Councillor C Whitton and

RESOLVED

(a) that the current challenges and opportunities in mental health support and services for the local population be noted;

(b) that Members work with partners and stay informed in future developments to address the needs of the local population within the context that we are all working in;

(c) that Members take the opportunity to meet and spend time with local place-based multi-agency developments and teams in community mental health through a programme of visits; and

(d) that the work to encourage parity of esteem principle in health and care developments be supported.

* 56

Adult Social Care Reforms

The Committee considered the Report of the Interim Director of Integrated Adult Social Care (ACH/22/150) on Government proposals for the reform of adult social care and recent consultation which had closed, and the Government's response was pending as was the publication of the final guidance and regulations. In May 2022 Members through a masterclass had been given further details of the proposed new rules had the key risks and concerns across the three pillars of the reforms: Charging, Fair Cost of Care, and Regulation.

A new public website had been developed to raise awareness of the reforms.

Of the three pillars of reform, Officers' local assessment was that the County Council was well placed to respond to the developing approach and guidance from Government, although this represented a significant piece of work.

It was the Charging element of the reforms that was of most concern as it would require significant change to the Council's workforce and processes.

The biggest cost areas were the numbers of people the Council served, the cost of care, and workforce. All three of these were expected to increase significantly as a result of the proposed reforms.

The Chair and Vice Chair would discuss with Officers proposals (to be shared with members) for a mechanism to provide Scrutiny challenge, assurance for the approach to the local implementation of the reforms.

* **57** **Health and Care General Update**

(Councillor J McInnes attended in accordance with Standing Order 25 and spoke to this item with the consent of the Committee and referred to communications through a Newsletter in regard to link services in Northern Devon for stakeholders including service users and members; and his appointment as the interim co-Chair of the New Devon ICS)

The Committee considered the Joint Report from Devon County Council and NHS Devon Clinical Commissioning Group (ACH/22/149) on updates on the latest news from the Devon Health and Care system and developments since the last meeting.

Member comments and discussion points with the Head of Integrated Adult Social Care Operations (Interim); and the Head of Integrated Adult Social Care Commissioning (Interim) included:

- in regard to the Link Service, the opening of services in Barnstaple, Bideford and Ilfracombe, with positive feedback;
- a group had been set up for each town to develop the drop-in service and establish how the buildings could be used by the wider community; and the positive feedback from a local Member in Barnstaple; and
- delivery of the Holsworthy Youth and Community Hub which would be a mental health and wellbeing drop-in service.

Updates and general information including responding to specific actions, requests or discussions at the Scrutiny Committee meetings would be provided for each meeting.

* **58** **Election of Commissioning Member**

The Scrutiny Officer would canvass Members outside the Committee
In regard to the appointment of a Commissioning Liaison Member, whose role would be to work closely with the relevant Cabinet Members and Directors /Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

Agenda Item 10.(k)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/06/22

* **59** **Scrutiny Committee Work Programme**

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

[**NB:** The Scrutiny Work Programme was available on the Council's website at: [Scrutiny Work Programme - Democracy in Devon](#)]

* **60** **Information Previously Circulated**

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

(a) Invite to 19 May 2022 Priority for Carers Event at Westbank, Exminster.

(b) Healthwatch report into Patient Experience of Pharmacy Service in the period 1 April 2021 to 31 March 2022.

(c) Latest NHS Devon CCG briefing concerning the ongoing vaccination programme (April 2022).

(d) Notification of the Northern Devon Healthcare NHS Trust (NDHT) and the Royal Devon and Exeter NHS Foundation Trust (RD&E) merger on 1 April 2022.

(e) General Practice Strategy Survey: 5 year strategy update.

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

The Meeting started at 10.30 am and finished at 1.40 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

23 June 2022

Present:-

Councillors A Dewhirst (Chair), C Slade (Vice-Chair), Y Atkinson, J Brook, P Bullivant, J Hodgson, R Radford, I Roome, J Trail and J Wilton-Love

Apologies:-

Councillors M Asvachin, J Berry, R Chesterton, P Crabb and M Hartnell

Members attending in accordance with Standing Order 25

Councillors R Croad, A Davis (remotely), R Gilbert and S Hughes

* 49

Minutes

RESOLVED that the Minutes of the meetings held on 24 March 2022 and the special held on 10 May 2022 be signed as correct records.

* 50

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 51

Public Participation

There were no oral representations from Members of the Public.

* 52

Scrutiny Work Programme

The Head of Scrutiny updated the Committee on the work programme following a recent Masterclass on the programme available via: [Scrutiny Work Programme - Democracy in Devon](#). Items could also be addressed via the Standing Over Groups or masterclasses as appropriate.

In regard to the Loneliness Spotlight Review, the Chair of the Review referred to NHS Area Reviews across the County (in which the Member was involved for their area) which should be referenced in the Spotlight Review and the work should be delayed until those reviews had been completed.

Agenda Item 10.(I)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
23/06/22

* **53** **COVID-19 Update**

The Consultant in Public Health (Intelligence) updated the Committee (*presentation attached*) on COVID -19 Insights Devon, the ONS national picture, ONS infection survey (weekly), percentage of the population with C-19, hospital and intensive care admissions, death rates, level of antibody cover in the population, long COVID-19 data; positivity rates and headline information.

Key messages included: that COVID -19 was still here, the importance of the continued vaccination programmes and uptake, personal hygiene measures including face-covers in crowded areas; and isolation measures when tested positive (or with symptoms).

Members' question related to the vaccination programme for 75 + population and for 5 – 11 year olds on which further information would be sent.

* **54** **Domestic Abuse: Responsibilities and Responses**

(Councillor R Croad (Cabinet Member for Public Health, Communities and Equality) attended in accordance with Standing Order 25 and spoke at the invitation of the Committee to introduce the Report)

The Committee considered the Report of the Head of Communities (SC/22/2) on the changing context in national policy on domestic abuse and violence against women and girls outlining the Council's developing responses to these changes, including the Council's progress in delivering the new statutory duty placed on the Council under Part 4 of the Domestic Abuse (DA) Act 2021. The Report explored the need for further development of the Council's Violence against Women and Girls' strategic intentions.

Members' comments and discussion points with the Head of Communities; and the Strategic Lead - Violence against Women and Girls included:

- the need to develop benchmark metrics/quantitative data to help measure progress and analysis as part of the workstreams and with the development of the strategy over time;
- the recent development of the Plymouth Violence Against Women and Girls Commission from which there would also be learning for Devon;
- the importance of increased safe accommodation as reflected in the Workstreams detailed in the Report;
- the key importance of education (as a preventative measure) within the County Council, across all partners and communities;
- the close working with the Police and Crime Commissioner's Office and the Devon and Cornwall Constabulary at all levels and through the Domestic Abuse Local Partnership Board;
- recognition within the strategic intentions that abuse was also experienced by men; and

- an example of a research project within the Metropolitan Police Force which would also potentially be a good source of additional learning.

It was **MOVED** by Councillor A Dewhirst, and **SECONDED** by Councillor C Slade and

RESOLVED that quantitative data/information (as well as qualitative) be used within the development of the strategic intentions to assess impacts of initiatives and that the Domestic Violence Scrutiny champion be part of the discussions on the work stream of multi-agency working around safety of women and children including connecting with academic work.

* **55** **Domestic Violence: Election of Champion**

It was **MOVED** by Councillor A Dewhirst, **SECONDED** by Councillor C Slade and

RESOLVED that Councillor Y Atkinson be appointed Member Champion, Domestic Violence in order to support the Cabinet Member for Public Health, Communities and Equality to better understand the Council's responses across its services.

* **56** **Election of Commissioning Liaison Member**

It was **MOVED** by Councillor A Dewhirst, **SECONDED** by Councillor C Slade and

RESOLVED that Councillors Y Atkinson and I Roome be appointed Commissioning Liaison Members for this Committee, to help support the relevant Cabinet Members and Directors /Heads of Service, in developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

* **57** **Treasury Management Annual Stewardship Report**

(Councillor R Gilbert attended in accordance with Standing Order 25 and spoke to this item at the invitation of the Committee in so far as it related to the creation of the Plymouth and South Devon Freeport and local proposed infrastructure expenditure in South Devon)

The Committee noted the Report of the Director of Finance and Public Value (DF/22/67) on the outturn position, performance and key matters arising from the Council's Treasury and Debt Management activities during the 2021/22 financial year. This followed agreement of the Treasury Management and Investment Strategy for 2021/22 by Council in February 2021 and formed part of the published budget book for the year. The Report covered the minimum revenue position, borrowing, the outturn position, prudential indicators; and a 2022/23 update.

Agenda Item 10.(I)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
23/06/22

Members' comments and discussion points with the Council's Investment Manager and Head of Economy, Enterprise and Skills included:

- confirmation that there had been no rise in outstanding debt and the current debt was at a fixed rate; and
- confirmation that the proposed £15m for capital works in relation to the Plymouth and South Devon Freeport related to infrastructure improvements (carbon reduction initiative and highway improvements) in South Devon.

The Chair welcomed the successful and prudent approach adopted within the Treasury Management Strategy.

* 58

Connecting Devon and Somerset Update

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

The Committee received and noted the Report of the Head of Economy, Enterprise, and Skills (EES/22/4) on an update on broadband coverage across Devon and progress of the publicly subsidised Airband and Openreach contracts and the Mobile Boost programme. It also set out the approach for Project Gigabit, the national broadband programme led by Government.

Members' discussion points with the Cabinet Member and Head of Economy, Enterprise and Skills included:

- the ongoing challenges experienced across the Connecting Devon and Somerset (CDS) contracts, including capacity and workforce, availability of components, supply chains and access to infrastructure and assets that were affecting the delivery of new broadband services;
- the capacity within the industry to resource build and the current lack of skilled resource nationally and further exacerbated by remoteness from major population centres; and the resulting staff turnover and difficulties in securing stable partners in areas like civil and fibre design;
- whilst changes in legislation around the shared use of passive infrastructure, such as ducts and poles, had made a significant improvement in pace and cost of delivery across the industry, this was ultimately a finite resource and the Head of Service undertook to provide Members with more information in this area and in regard to the Rural Gigabit Voucher programme (section 6 of the Report Vouchers and Community Approaches refers); and
- all live contracts were in delay, but it was anticipated that 97.82% of homes and businesses would have a superfast or gigabit capable service by the end of 2024 (401,880 premises).

The Chair thanked the Officers and the Cabinet Member for the report and commended the progress made.

* 59 **Civil Parking Enforcement Annual Report**

(Councillor S Hughes attended in accordance with Standing Order 25 and spoke to this item at the invitation of the Committee and introduced the Report)

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/22/6) on the Service's Annual and an update on the review of Pay & Display tariffs proposed for 2022/23 and the next steps.

Member comments and discussion points with the Cabinet Member, the Traffic Management Group Manager and Traffic Management Team Leader included:

- the excellent quality and clarity of the Annual Report (attached to the report) which had received a national award and recognition and aimed to inform the public on the performance of the service; and the current and past Annual Reports were available at: [How parking is regulated - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk/transport/how-parking-is-regulated);
- the review of Pay and Display Tariffs (which had last been carried out in 2019/20) set to assist in managing parking stock effectively, to minimise congestion and assist in ensuring the right parking opportunities were available to support town centres (Details of tariffs at Appendix 2 of the report); and which had been subject to an Impact Assessment; and the IA methodology was explained;
- the revenue from parking charges was utilised to support the parking enforcement service and invest in public transport support across the County (and not hypothecated for any one area according to revenue generation, Exeter for example), to support the Safer Camera Partnership and Country Park, along with other key work; and the income and expenditure was reported to the Cabinet each year and also included in the Civil Parking Enforcement Annual Report;
- confirmation that there were no proposals for purely cashless pay and display;
- the substantial increase in pay and display charges in central Newton Abbot and Teignmouth the rationale for which would be provided to Committee members; and
- the challenges faced by the Service in the recruitment of Civil Enforcement Officers (CEOs) across the County and the flexible approach in the allocation of CEO resources; and the next step which proposed that Tariff charges would be progressed via the Cabinet Member Decision process.

Agenda Item 10.(I)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
23/06/22

The Chair thanked the Cabinet Member and Officers for their report and publication of the Annual Report which had received national recognition for its clarity.

* **60** **Locality Budget Annual Report 2021/2022**

(Councillor R Croad, Cabinet Member for Public Health, Communities and Equality attended in accordance with Standing Order 25).

The Committee considered the Report of Joint Report of the Director of Finance and Public Value, and Head of Communities (SC/22/3) on the annual statement which summarised the allocations approved by Members submitted for audit and monitoring purposes.

The Chair and Members referred to the importance of the locality budget process which enabled them to give grants in response to local needs within electoral divisions by supporting projects or activities that benefited the people and communities they represented. Members also noted the diminished spending during the pandemic.

It was **MOVED** by Councillor J Brook, and **SECONDED** by Councillor I Roome and

RESOLVED that the Locality Budget Statement for 2021/22 be approved.

* **61** **Climate Change Standing Overview Group Report**

(Councillor A Davis (Cabinet Member for Climate Change, Environment and Transport) attended (remotely) and spoke at the invitation of the Committee in regard to socioeconomic impacts of climate change and referred to the Peninsula Transport Partnership which could also look at issues faced by rural communities).

The Committee received and noted that update report of a meeting of the Standing Overview Group which had been held on 13 May 2022. The Report outlined the topics covered, highlighted the key points raised during discussion and detailed any agreed actions.

A Member referred to the socioeconomic impacts (section 4.4 of the Report refers) particularly in rural and farming communities; and the Head of Scrutiny confirmed that this would be added to the Group's work programme.

The Chair thanked the Officers for the compilation of the Report.

* **62** **Items Previously Circulated**

The Committee noted the item previously circulated since the last meeting relating to Highways Performance.

Agenda Item 10.(I)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE
23/06/22

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

The Meeting started at 10.30 am and finished at 12.53 pm

