

*County Council*  
Thursday 16th February, 2023



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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

8 February 2023

**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, 16th February, 2023 at 2.15 pm.**

A handwritten signature in blue ink, appearing to read 'S. Taylorson'.

Chief Executive

[A period of quiet reflection will be offered by Jude Taylorson, a representative of the Buddhist faith, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

**A G E N D A**

1. **Apologies for Absence**
2. **Appointment of Vice-Chair**

In the absence of the appointed Vice-Chair, the Council is asked to appoint a Vice Chair for this Council meeting only.

3. **Minutes**

To approve as a correct record and sign the minutes of the meeting held on 8 December 2022, previously circulated.

4. **Announcements**

5. **Items Requiring Urgent Attention**

6. **Appointment of Independent Persons (Localism Act / Standards)**

The Chair of the Standards Committee will move that the Council endorse the appointment of Mr R Jeanes and Mr J Smith as Independent Persons, as required under the Localism Act.

*Electoral Divisions(s): All Divisions*

7. **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.

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

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

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

**FRAMEWORK DECISION**

10. **Revenue Budget, Medium Term Financial Strategy 2023/2024 - 2026/2027 and the Capital Programme for 2023/2024 - 2027/2028**

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2023/24 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://www.devon.gov.uk/impact/budget-setting-2023-2024/>.

To receive and approve the Report of the Director of Finance and Public Value (DF/23/19) together with the Minutes of the Cabinet held on 10th February 2023 relating to the budget.

Minutes from the recent Scrutiny Budget meetings (Children's Scrutiny, Health and Adult Care and Corporate Infrastructure and Regulatory Services) are also attached for the information of Members which contain the Scrutiny Budget Resolutions, attached.

The Report of the Director of Finance and Public Value will follow.

The Cabinet Minutes will be available to view (shortly after the Cabinet meeting on the 10<sup>th</sup> February 2023) at;  
<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4465&Ver=4>

- (a) Health & Adult Care Scrutiny (Budget) - 20 January 2023 (Pages 1 - 8)
- (b) Children's Scrutiny (Budget) - 26 January 2023 (Pages 9 - 16)
- (c) Corporate Infrastructure & Regulatory Services Scrutiny (Budget) - 30 January 2023 (Pages 17 - 26)

*Electoral Divisions(s): All Divisions*

**11. Pay Policy Statement 2023/2024** (Pages 27 - 32)

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments, Remuneration and Chief Officer Conduct Committee (2 February 2023) (Minute 53 refers). The minutes and Pay Policy Statement are attached to the agenda.

*Electoral Divisions(s): All Divisions*

**OTHER MATTERS**

**12. Cabinet Member Reports**

To consider reports from Cabinet Members.

**13. Minutes**

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

- (a) Appeals Committee - 5 December 2022 (Pages 33 - 34)
- (b) Appeals Committee - 9 January 2023 (Pages 35 - 36)
- (c) Development Management Committee - 7 December 2022 (Pages 37 - 40)
- (d) Appointments, Remuneration and Chief Office Conduct Committee - 2 February 2023 (Pages 41 - 44)
- (e) Procedures Committee - 2 February 2023 (Pages 45 - 62)  
*Including approval of minute 29 relating to Members Allowances. The revised scheme to take effect from May 2023 is also attached.*
- (f) Health & Adult Care Scrutiny (ordinary) - 20 January 2023 (Pages 63 - 72)
- (g) Children's Scrutiny (ordinary) - 26 January 2023 (Pages 73 - 78)
- (h) Corporate Infrastructure & Regulatory Services Scrutiny (ordinary) - 30 January 2023 (Pages 79 - 84)

## NOTICES OF MOTION

### 14. Istanbul Convention to Prevent and Combat Violence against Women and Girls and Article 59 (Minute 168 - 8 December 2022)

To receive and consider the recommendations of the Cabinet (Minute 270(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

On 1<sup>st</sup> November the UK's ratification of the Istanbul convention to prevent and combat violence against women and girls and domestic violence finally came into force.

However, the Government has reserved article 59 of the treaty opting out of protecting migrant women. By quietly reserving article 59 of the treaty, the Government is still failing some of the most vulnerable women living in Devon: migrant women.

The Government's National Statement of Expectations on Domestic Violence sets out what local areas like Devon need to put in place to ensure their response to Violence against Women and Girls (VAWG) issues is as collaborative, robust and effective as it can be so that all victims and survivors can get the help they need. The Home Office expects to see local strategies and services that, amongst other things, put the victim at the centre of service delivery.

This Council believes:

- The Devon County Council and UK Government not being obliged to provide VAWG support and protection to migrant women effectively reinforces the two-tier system of support for victims, as some remain discriminated against because of their migration status.
- The Government must immediately remove the reservation to this article and provide equal protection for every woman in need, irrespective of migration status.
- All women, regardless of where they come from, deserve protection against violence.
- That DCC resolves to make available to migrant women in Devon services and support that it provides for other women.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council is committed to ensuring that victims presenting for domestic abuse support by local services commissioned by DCC receive the support they need and are not disadvantaged because of their status and therefore the Council will:

(a) work with local providers to explore how we can further improve access to support and services to be completely assured that no one is turned away on the basis of their immigration status;

(b) work with colleagues to understand how the issue presents itself in Devon within local migrant and settling communities (including those seeking asylum, those housed under the homes for Ukraine scheme and those housed in Home Office hotels, bridging hotels and in resettlement schemes);

(c) engage with organisations that already support and others that may be in a position to support this group to identify solutions that may minimise the impact of the reservation of Article 59 and ensure access to bespoke support; and

(d) create an opportunity to look at this issue in the context of the wider system and engage stakeholders, particularly DWP, housing, health, generic support services, police and adult and children social care, in this conversation focused on increasing awareness and developing shared solutions'

**15. Stop Shortchanging Devon - Save our Services (Minute 170 - 8 December 2022)**

To receive and consider the recommendations of the Cabinet (Minute 270(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely

'While the Conservative Leader of Devon County Council reports that the authority's **'financial situation has never been so bleak as it is now'**, the Government has slashed the surcharge paid by UK banks from 8% to just 3% and lifted the threshold before the levy is even paid from £25million to £100million.

Yet again, while local government faces huge challenges to support the most vulnerable in our community and maintaining services, it is not increasing support to Councils that is at the forefront of the Conservatives in Government, but helping their banker mates.

The Cost of Chaos budget from short-lived Prime Minister Liz Truss which sparked the mortgage interest rate rise has also helped boost Bank earnings with NatWest, Santander, HSBC and Barclays, among others, reporting their earnings boosted in the last quarter as mortgage rates surged.

And while energy companies, fat on the profits of record increases in the price of gas and electricity, were slapped with a windfall tax, the Conservative Chancellor decided not to do the same for banks.

Devon County Council believes the budget delivered by Chancellor Jeremy Hunt was a very poor deal for the people of Devon and has done nothing to address the real terms cut of 72% in core funding for Devon in the 11 years to 2021/22. Cuts now being considered by the county council are a direct result of the Government's failure to support this authority and the Leader is instructed to write again to the Chancellor and Prime Minister setting out the devastating impacts for Devon and to call, once more, for fair funding for Devon'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/22/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council be asked to;

(a) note the concerns expressed in the Notice of Motion regarding the fair funding of Services; and

(b) continue County Council's lobbying campaign, working in partnership with Devon MPs, the LGA and CCN on matters of common concern and in the best interests of the people of Devon.'

**16. Voter Photo ID requirement (Minute 171 / 172 - 8 December 2022)**

To receive and consider the recommendations of the Cabinet (Minute 270(c)) as an amendment to the following Notice of Motion submitted previously to the Council (Councillor's Wrigley and Bailey agreed to merge two separate motions on the same matter, the composite wording outlined below as accepted by Council) and referred thereto in accordance with Standing Order 8(2), namely

The Government has recently introduced a requirement for photographic identification before electors are to be permitted to vote.

This is to take effect for all elections from May 2023.

Devon condemns the introduction of the requirement for Voter Photo ID and considers that the introduction of photographic ID for elections is completely unnecessary, as voter fraud is extremely rare, and at the last count, a single prosecution was taken forward on the matter. The move would have the effect of suppressing voter participation in democratic processes.

The requirement for Voter Photo ID will disenfranchise anyone without a UK Driving Licence or Passport in their hands at the time of voting. The range of additional acceptable IDs is limited and skewed towards the elderly.

The Council considers that the new rules would place a considerable burden on Returning Officers, Presiding Officers, and polling staff who would have to adjudicate on identification issues. Staff at polling

stations would inevitably have to deal with angry would-be voters turned away from the polling stations. Furthermore, District councils are expected to deliver free IDs with no funding or guidance yet issued, despite it being less than six months until the elections.

The Association of Electoral Administration considers that the timelines for the new rules under the Elections Act 'are optimistic at best, undeliverable at worst'. Details of how voters without photographic ID can apply for a 'Voter Authority Certificate' has not even been published yet.

The move could suppress the number of residents who should be able to vote, which does not reflect British standards for democracy and respect for voters.

### **Motion**

The Council therefore agrees;

1. To ask the Local Government Association (LGA) and the County Council Network (CCN) to raise the matter with the Secretary of State for Levelling Up, Housing and Communities expressing its great concern about the proposed use of photographic identification for May 2023 elections.
2. In particular the Council stresses its concern about the procedures to be introduced, which will have a disproportionately detrimental impact on younger voters for whom the procedures will be more challenging than for older voters. The Council asks the LGA and the CCN to press the Government to actively seek to encourage young people to participate in elections, **not** to place obstacles in the way of young would-be voters.
3. Asks the LGA and the CCN to press the Secretary of State not to introduce voter photographic identification for the scheduled 2023 elections. The Council also asks the LGA and the CCN to urge the Secretary of State to engage in debate with the LGA and CCN about the need for voter photographic identification, and should it be concluded that it is necessary that a more acceptable system be considered.
4. The Council agrees to send a copy of its message to the LGA and the CCN to its MPs and the Prime Minister.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that Council note the concerns raised by the Notice of Motion, in particular the additional requirements on Local Authorities to deliver Voter ID in a short timescale and also the additional financial costs at a time when budgets are constrained and squeezed;



(b) that Council share the concern of the Local Government Association, as articulated by its Chair, Cllr James Jamieson and further supports its view of the Gould Principle whereby electoral law should not be changed within six months of an election that the change would impact; and

(c) therefore, Council agrees to write to the LGA outlining its support of the LGA's position and that the letter be copied to the CCN and the Devon MP's.

**17. Protect the Right to Free Camp on Dartmoor**

Councillor Wrigley to move:

Devon County Council joins with the thousands of Devon residents and is beyond shocked and appalled by the effective ban on wild camping on Dartmoor arising from a recent court decision.

This Council supports Dartmoor National Park in its rightful and spirited defence of wild camping, a right enjoyed by generations of local people and visitors.

Council condemns the loss of this right and calls on Government to enact urgent legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor.

Council asks the Leader and Chief Exec to write in the strongest terms to Members of Parliament for Devon, the relevant Secretaries of State and the Prime Minister urging them to act to restore the right to wild camp on Dartmoor.

**18. Forced Installation of Prepayment Meters**

Councillor Atkinson to move:

Citizens advice says across the UK 3.2 million people on prepay meters were left with cold and dark homes last year as they ran out of credit. Also 600,000 people were switched from credit meters to prepay in 2022, compared with 380,000 in 2021. With more freezing weather forecast we welcome British Gas announcement that it will halt the use of warrants to install prepayment meters.

This Council

1. calls on Government to urgently review how energy vulnerability can be reduced including considering extra financial support for struggling households; and

2. calls on energy suppliers to agree a three-month moratorium on the installations of gas or electricity prepayment meters including freeze on the use of court warrants to gain entry to homes to fit prepay meters, or

automatic switching of smart meters onto prepayment ones.

## 19. **Special Education Needs (SEND) Budgets and Deficits**

Councillor Atkinson to move:

Councils like DCC use the high needs funding block of the DSG to fund statutory Special Education Needs provision as required by law. Since its introduction the government has repeatedly refused to fund this adequately. This has meant that to meet its statutory duty DCC has spent £127m from reserves to fund this. The Government has allowed Councils like DCC to keep ever increasing deficits on spending for children with special educational needs and disabilities off their balance sheets and has approved an extension of this for a further three years. The Government's local government finance policy statement published in December says that the statutory override for the Dedicated Schools Grant (DSG) will be extended for the next three years, from 2023-24 to 2025-26.

This money has already been spent on SEND services by DCC to the tune of £127m by the end of this financial year. Across the UK the total deficit by all councils is expected to be £2.3bn which the government is refusing to fund. This deficit in Devon will only increase and can only be met out of our reserves or borrowing. Our reserves have already been run down to breaking point and the deficit has arisen as a result of the government's withdrawal of £135 m of Revenue Support Grant and inadequate funding in the DSG.

The statutory override means that any DSG deficits are not included in DCC Council's main revenue budgets. It also means that £127m is now unavailable to invest to save in much needed capital projects to benefit Devon residents.

The Government has said it may consent to a capitalisation of some or all of this deficit. This means that DCC would have to take out long-term borrowing at current interest rates of up to £127m so that the borrowed money could be available for capital spending on projects in Devon. It is contrary to local government law for us to do this without consent and it is also contrary to good economic planning to borrow money (other than in the short term by way of an overdraft) to be spent to pay off deficits for revenue spending or to fund revenue services. People in Devon would in effect be asked through their council tax to fund the paying off of this revenue debt run up by the government's refusal to fund SEND services. This loan would to be repaid over say 25 years. This means our residents their children or grandchildren will be paying through council tax to pay off the capital and interest on the loan for services that they obtained no benefit from as they have already been provided before the loan was taken out.

This Council

1. Calls on the government to pay DCC £127m, for this SEND deficit in 2023 so that this money can be used to invest in Devon.
2. Believes it is wrong for government to expect local authorities like Devon to borrow money on capital markets to fund past and present services.

**20. Dartmoor National Park**

Councillor Barnes to move:

In January, the right to backpack camp on certain common land in Dartmoor National Park without permission from the landowner was lost after a wealthy landowner took the park authority to court. It was the last place in England and Wales where there was a right to backpack camp. Under an agreement reached, the National Park Authority will now have to pay landowners an unknown fee for permission to camp on land that private landowners are willing to put forward.

This Council believes that

- Dartmoor National Park provides many opportunities for all of Devon's residents to responsibly enjoy and protect our great open spaces
- The ancient right to sleep under the stars on Dartmoor should be protected for future generations

This Council resolves to

- Criticise the decision made to restrict the right to backpack camp on Dartmoor National Park
- Robustly defend the right to backpack responsibly on appropriate land by expressing support for Dartmoor National Park's appeal
- Write to the government to urge them to adopt Labour's pledge to enshrine the right to roam in law.

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Members of the public may also use social media to report on proceedings.

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

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

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### **Induction Loop available**





## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

20 January 2023

### Present:-

Councillors S Randall Johnson (Chair), C Whitton (Vice-Chair), T Adams, J Bailey, R Chesterton, D Cox, L Hellyer, 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 P Crabb

#### \* 81 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 82 **Public Participation**

There were no oral representations from members of the public.

#### \* 83 **'Budget 2023/24 and Capital Programme for 2023/24 to 2027/28'**

(Councillor J McInnes attended in accordance with Standing Order 25(1) and spoke to this item in regard to the Health and Adult Care budget proposals and referred to a very challenging budget and the difficult financial times that the Council and others across the country were in. He highlighted that we were not yet post pandemic and the effect of that had been quite difficult particularly in social care. The proposed budget was to make social care sustainable in the longer term with a savings target of £30m).

The Committee noted that the proposed budget for the 2023/24 financial year would be scrutinised by the individual Scrutiny Committees.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee would present any relevant resolutions and an overview of those issues arising to the Corporate Infrastructure and Regulatory Services Committee. This Committee would also consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny will be reported to Cabinet and Council.

# Agenda Item 10.(a)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE  
20/01/23

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the Corporate Infrastructure and Regulatory Services Committee for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the Joint Report of the Director of Finance and Public Value and the Director of Integrated Adult Social Care and Director of Public Health, Communities and Prosperity (DF/23/03) on the provisional financial settlement made by Government and the spending targets set by the Cabinet for each service area which included inflation, commitments and any service prioritisation reductions. The Report also showed that no bids were received in regard to the Capital Programme for Integrated Adult Social Care.

The Cabinet, at its meeting of 11 January 2023, had set Revenue Budget targets for 2023/24. That Report outlined the targets in paragraph 3.8 which represented a net increase in service budgets of £66.2 million, which was a 10.5% increase.

As detailed within budget monitoring reports, significant pressures had been and were continuing to be experienced within Devon and across the country. The cost of living and geopolitical situation had created huge financial pressures nationally. As a consequence, the Authority had faced unprecedented price and demand pressures in the current year and although significant savings had been found to offset this many had been one off measures. In addition, there had been much more uncertainty in terms of central government funding to local government, combined with the most challenging budget round that the Authority had faced in recent decades.

Budget monitoring at month 2 identified an unprecedented forecast overspend and therefore since the month 2 report, a Financial Sustainability Programme had been set up to address the level of overspending. The programme had been successful in containing some expenditure and making savings, which was reflected in a significantly improved outturn forecast by month 8.

The Capital Programme for 2023/24 to 2027/28 would be presented to Cabinet at the February Budget meeting.

On 19th December 2022, the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, released a written Ministerial statement to Parliament setting out the provisional local government finance settlement for 2023/24 financial year. This was in line with the Spending Review 2021 and updated for the announcements made in the Autumn Statement of 17th November 2022.



The provisional local government finance settlement for 2023/24 was a single year settlement, as was the previous year. Government had outlined national funding levels for 2024/25 but uncertainty remained at individual council level, as distribution mechanisms for 2024/25 were unconfirmed.

The provisional settlement confirmed that the Core Spending Power included the flexibility in setting Council Tax for 2023/24 by setting the referendum limit at 2.99% and that social care authorities could increase the adult social care precept by 2% - and therefore raise Council Tax by up to 4.99% overall without a referendum being required.

Devon's Core Funding of £107.2 million (and grants announced so far) was as follows. Other existing grants were expected to be published soon and would be reported as part of the overall budget papers in February, if known by then.

	<b>£000</b>
Revenue Support Grant	669
Business Rates Central Government Top Up	83,428
Business Rates - Local Element	23,064
<b>Core Funding</b>	
New Homes Bonus	883
Rural Services Delivery Grant	7,823
Social Care Grant	54,015
Improved Better Care Fund	29,127
Adult Social Care Market Sustainability Improvement Fund	
	8,373
Adult Social Care Discharge Fund	4,084
Services Grant	3,987
	<b>108,292</b>

The proposed service revenue budget targets for the 2023/24 financial year were set out in the table below.

	2022/23 Adjusted Base Budget £000	Inflation and National Living Wage £000	Other Pressures £000	Savings, alternative funding and additional income £000	2023/24 Target Budget £000	Net change £000	
Integrated Adult Social Care	311,968	29,535	29,999	(32,200)	339,302	27,334	8.8%
Childrens and Young Peoples Futures	176,205	9,585	32,376	(9,563)	208,603	32,398	18.4%
Public Health, Communities & Prosperity	20,308	874	617	(404)	21,395	1,087	5.4%
Corporate Services	42,213	4,470	623	(2,458)	44,848	2,635	6.2%
Climate Change, Environment & Transport	79,117	7,037	214	(4,468)	81,900	2,783	3.5%
<b>Service budgets total</b>	<b>629,811</b>	<b>51,501</b>	<b>63,829</b>	<b>(49,093)</b>	<b>696,048</b>	<b>66,237</b>	<b>10.5%</b>

*2022/23 Base budget adjusted for permanent virements*

The Committee were reminded that its consideration of the draft Integrated Adult Social Care and Public Health Services budgets was just part of the process of setting the County Council's budget which, following this meeting,

# Agenda Item 10.(a)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE  
20/01/23

would culminate in the Cabinet meeting on 10<sup>th</sup> February 2023 formulating a budget for consideration by the County Council on 16<sup>th</sup> February 2023.

The Director for Integrated Adult Social Care and Director of Public Health, Communities and Prosperity respectively commented on the likely implications of the 2023/24 target for individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands. In order to deliver budget targets, budget reductions were required in respect of Integrated Adult Social Care as detailed in the Report Saving Strategies (page 10) and for Public Health (page 20).

For Integrated Adult Social Care, the Leadership Group commentary in the Report referred to the increasing need for services coupled with rising inflation and costs which had led to significant pressure on resources with an overriding focus on the needs of the young, old and most vulnerable across Devon and work with the One Devon partners to support and develop the local health and care system; and with all partners across Team Devon.

The Director of Integrated Adult Social Care and the Director of Public Health respectively referred to the specific issues as outlined in the Report.

The Report also contained the detailed budget proposals for the two Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services.

The Integrated Adult Social Care Services base budget was £339, 302 million (an increase of £27.334 million, 8.8% from 2022/23), and included inflation and other pressures of £59.534 million and required savings and income initiatives of £32.200 million.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report before the Committee referred to the Budget 2023/24 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: [Budget Impact Assessments - Impact Assessment \(devon.gov.uk\)](#) for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments were a dynamic process and that individual

assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting included the following:

(i) Adult Care and Health: Specific Issues and observations arising from the current budget proposals raised by Members in discussion with the Director for Integrated Adult Social Care; Head of Adult Care Operations and Health, and Head of Adult Commissioning & Health included:

- the impact of the cost of living crisis which had made the current situation more difficult, and the impact of Covid was still being felt
- A £30 million savings target would represent a significant challenge to deliver in a year
- The £18m savings service target for the current year which had not yet been achieved, with pressures including workforce challenges also felt by other local authorities, as well as rising costs in residential homes, and the increase in the number of younger adults with disabilities needing help.
- There would be a focus on promoting independence, and how to make the best use and best value in terms of spending.
- Most of the investment in the current year was needed for national living wage and inflation and there had not been addition investment for transformation.
- The use of the Better Care Fund (BCF) which was a total of £114 million for 2023/24 and was required to be used to help meet health and social care outcomes, although some could be used solely for the purposes of meeting adult social care needs funding such as for supporting the Community Equipment Service.
- Demand for Adult Social Care in the current year had also exceeded budgetary expectations, and there were difficulties with calculating demography and using data. The biggest pressure was from working age adults in particularly young people with learning disabilities. More people with complex needs were now living longer. Calculations for expected demand for the following year were also made around November.
- There were large variations of care packages being offered, with significant differences in costs from about £30 a week to more than £60,000 a year. However, there were also a lot of people who had received support through signposting from the Council to utilise their own resources and get support from unpaid carers, community services or their own care.
- The impact on promoting and supporting prevention. There was to be a twin track approach to create efficiencies and savings now as well as to create a financially sustainable future. To create resilient communities

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would require investment in prevention, with a wider approach working with colleagues in the community and public health also.

- Involvement and work with the voluntary sector - the need for a wider piece of work looking at investment in this area with lots of different organisations involved and being efficient and effective in spending money and finding innovative ways of working together. Seed funding ventures would be explored in the aim of having more successful outcomes such as memory cafes which are now self-sustaining.
- Difficulties of receiving information about government grants late into the calendar year was acknowledged and also the lack of clarity about new legislation for Adult Social Care.
- Different models of housing and extra care housing would be developed which enabled people to stay at home and develop further use of technology to help people manage daily living tasks better.
- People would be supported to gain employment rather than relying on attending day services and a more enabling approach would be taken to allow more people to travel, meet and form new friendships and provide more learning and development opportunities.
- Recruitment of staff during the current year and whether this had resulted in savings forecasted. The reality was that the Council was unable to recruit to all those positions and due to the financial issues, these vacant posts were then taken from the budget. However, those that were recruited did help to deliver some of the savings such as through reviews with people to promote independence. More operational staff had been taken on which would also help with completing people's assessments and achieve savings for next year.
- Highlighting more successes in Adult Social Care such as the Proud to Care Campaign was needed and building that into wider programmes of support for the voluntary and community sector to market it as an attractive place to work and encourage people to use their skills and experience. Assisting the voluntary sector to also become more resilient and self-sustaining.
- The inability to directly compare the budget this year against last year's budget because of the changes in pressures and assumptions made including the staff pay award and inflation.
- Cross authority work across the region and nationally to learn from each other and benchmarking information. There was ongoing work around social work vacancies to identify the scale of the challenge and ideas were being generated via a peer space and helped get a better understanding of care providers which was more cost effective on a regional scale.

(ii) Public Health: Specific Issues and observations arising from the current budget proposals raised by Members in discussion with the Director of Public Health at the meeting included the following:

- Public Health was predominantly funded by a ring-fenced grant from the Department of Health and Social Care which had not yet been confirmed and may not be until mid-February
- Budget proposals were based on educated assumptions of little or no growth and there were also the inflationary pressures of wages and services
- There was considerable variation in funding for Public Health across the country and Devon usually received one of the smaller grants in terms of population size. The vast majority of this was spent on commissioning health services for which the local authority had a statutory duty to provide.
- Public Health services included sexual health, drug and alcohol services, mental health as well as identifying and responding to health impacts and inequalities. Demand was increasing and expected to continue.
- Concerns included seeing rising levels of food insecurity and the number of households in fuel poverty was increasing in Devon.
- Frustration was expressed about planning for Public Health services when the grant for the forthcoming year was still unknown even though it was ring-fenced.
- A reduction in routine checks during the pandemic had resulted in an increase in undiagnosed conditions and poorer health outcomes. Demand in hospitals was being driven by cardiovascular and respiratory diseases and many more people were currently undiagnosed and not on the treatment they needed which would result in more hospital admissions.
- Innovative ways of working were being explored to go into the communities to do more checks including using vaccination sites to carry out blood pressure checks.
- The lack of funding for the County should be challenged and the importance of these services was highlighted particularly investment in mental health which was felt to be crucial

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

**RESOLVED** that the provisional financial settlement and its impact on spending targets and on the proposed Integrated Adult Social Care and Public Health budgets for 2023/24 be noted and the issues and/or observations set out below be drawn to the attention of the Cabinet meeting on 11 February 2022:

(a) this Committee welcomes and supports:

- i. The 8.8% increase in the budget for Integrated Adult Social Care recognising the demand in the system.
- ii. The efforts of Integrated Adult Social Care and Public Health staff to continue to support the most vulnerable in Devon and delivering services in a co-produced way.

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(b) this Committee records concerns about:

- i. The realism of achieving the IASC in-year savings set at £30 million; in light of not yet achieving the in-year savings of £18million, coupled with the continued increase in demand and the uncertainty of inflation.
- ii. The introduction of the Care Quality Commission inspection regime will place an additional burden on the Council and its partners. The Committee seeks assurance preparations are comprehensive and vigorous to meet these new requirements.

(c) that the Cabinet be asked to:

- i. Support the Health and Adult Care Scrutiny Committee in their critical friend challenge of the in-year financial position by bringing regular monitoring reports to Committee including benchmarking with other local authorities where appropriate.
- ii. Lobby government to highlight the difficulty of operating services against the reality of:
  - a. the disparate nature of the grants received in Adult Social Care and the unhelpful impact of piecemeal multiple grants.
  - b. the uncertainty about the anticipated changes to Liberty Protection Safeguards
  - c. The unknown grant settlement for Public Health and also the 1-year financial settlement for Integrated Adult Social Care against a demand led-budget and the resulting challenges in developing strategy without financial certainty.
- iii. Invest in public mental health when the public health grant is known
- iv. Review how the Council is offering support to the voluntary and Community Sector both through tactical access to grants and clear communication channels of the County Council.

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

The Meeting started at 10.30 am and finished at 12.28 pm

## CHILDREN'S SCRUTINY COMMITTEE

26 January 2023

### Present:-

Councillors R Hannaford (Chair), P Sanders, S Aves, P Bullivant, C Channon, G Gribble, L Hellyer, F Letch MBE, L Samuel, M Squires and J Wilton-Love

Councillor J Bradford (remote)

### Apologies:-

Councillors J Brazil, J Hawkins and Ms C Platt

### Members attending in accordance with Standing Order 25

Councillors Dewhirst, Hart, Leadbetter, Saywell and Twiss

#### \* 70 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

#### \* 71 **Public Participation**

There were no oral representations from members of the public.

#### \* 72 **Budget 2023/24 and Capital Programme for 2023/24 to 2027/28**

The Committee noted that the proposed budget for the 2023/24 financial year would be scrutinised by individual Scrutiny Committees.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee would present any relevant resolutions and an overview of those issues arising to the Corporate Infrastructure and Regulatory Services Committee. This Committee would also consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny will be reported to Cabinet and Council.

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest that might be considered at the Corporate Infrastructure and Regulatory Services

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Committee for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the joint report of the Director of Finance and Public Value and the Chief Officer for Children's Services (DF/23/04) on the provisional financial settlement made by Government and the spending targets set by the Cabinet for each service area which included inflation, commitments and any service prioritisation reductions. The Report also detailed the proposed medium-term capital programme for Children's Services and how it was funded.

The Cabinet, at its meeting of 11 January 2023, had set Revenue Budget targets for 2023/24. That Report outlined the targets in paragraph 3.8 which represented a net increase in service budgets of £66.2 million, which was a 10.5% increase.

As detailed within budget monitoring reports, significant pressures had been and were continuing to be experienced within Devon and across the country. The cost of living and geopolitical situation had created huge financial pressures nationally. As a consequence, the authority had faced unprecedented price and demand pressures in the current year and although significant savings had been found to offset this many had been one off measures. In addition, there had been much more uncertainty in terms of central government funding to local government, combined with the most challenging budget round that the Authority had faced in recent decades.

Budget monitoring at month 2 identified an unprecedented forecast overspend and therefore since the month 2 report, a Financial Sustainability Programme had been set up to address the level of overspending. The programme had been successful in containing some expenditure and making savings, which was reflected in a significantly improved outturn forecast by month 8.

The Capital Programme for 2023/24 to 2027/28 would be presented to Cabinet at the February Budget meeting.

On 19 December 2022, the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, released a written Ministerial statement to Parliament setting out the provisional local government finance settlement for 2023/24 financial year. This was in line with the Spending Review 2021 and updated for the announcements made in the Autumn Statement of 17 November 2022.

The provisional local government finance settlement for 2023/24 was a single year settlement, as was the previous year. Government had outlined national funding levels for 2024/25 but uncertainty remained at individual council level, as distribution mechanisms for 2024/25 were unconfirmed.



The provisional settlement confirmed that the Core Spending Power included the flexibility in setting Council Tax for 2023/24 by setting the referendum limit at 2.99% and that social care authorities could increase the adult social care precept by 2% - and therefore raise Council Tax by up to 4.99% overall without a referendum being required.

Devon's Core Funding of £107.2 million (and grants announced so far) was as follows. Other existing grants were expected to be published soon and would be reported as part of the overall budget papers in February, if known by then.

	<b>£000</b>
Revenue Support Grant	669
Business Rates Central Government Top Up	83,428
Business Rates - Local Element	23,064
<b>Core Funding</b>	<b>107,161</b>
.	
New Homes Bonus	883
Rural Services Delivery Grant	7,823
Social Care Grant	54,015
Improved Better Care Fund	29,127
Adult Social Care Market Sustainability Improvement Fund	8,373
Adult Social Care Discharge Fund	4,084
Services Grant	3,987
	<b>108,292</b>

The proposed service revenue budget targets for the 2023/24 financial year were set out in the table below.

	<b>2022/23 Adjusted Base Budget £000</b>	<b>Inflation and National Living Wage £000</b>	<b>Other Pressures £000</b>	<b>Savings, alternative funding and additional income £000</b>	<b>2023/24 Target Budget £000</b>	<b>Net change £000</b>	
Integrated Adult Social Care	311,968	29,535	29,999	(32,200)	339,302	27,334	8.8%
Childrens and Young Peoples Futures	176,205	9,585	32,376	(9,563)	208,603	32,398	18.4%
Public Health, Communities & Prosperity	20,308	874	617	(404)	21,395	1,087	5.4%
Corporate Services	42,213	4,470	623	(2,458)	44,848	2,635	6.2%
Climate Change, Environment & Transport	79,117	7,037	214	(4,468)	81,900	2,783	3.5%
<b>Service budgets total</b>	<b>629,811</b>	<b>51,501</b>	<b>63,829</b>	<b>(49,093)</b>	<b>696,048</b>	<b>66,237</b>	<b>10.5%</b>

*2022/23 Base budget adjusted for permanent virements*

The Committee were reminded that its consideration of the draft Children's Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet meeting on 10 February 2023 formulating a budget for consideration by the County Council on 16 February 2023.

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The Cabinet Member and the Committee welcomed the increase in funding and the need for it to be spent wisely and in an intelligent way, with close monitoring. As Corporate Parents, all Members had a vested interest in ensuring each child had a better future. The Cabinet Member, as a member of the F40 group, continued to press for fair funding for Devon.

The Leadership Group commentary in the Report highlighted how urgent action taken over the past year to cut own costs and find savings coupled with the welcome additional funding in the government's provisional financial settlement had certainly helped to mitigate some pressures, but many challenges remained. The next 12 months would continue to be to work with partners to meet the needs of the young, old and most vulnerable across Devon.

The Chief Officer for Children's Services referred to service specific issues as outlined in the Report, relating to Children's Social Care, Public Health Nursing, Education Learning and Inclusion Services, and Schools Funding.

The Report also contained the detailed budget proposals for Children's Services, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Children's Services base budget was £208,603 millions (a net increase of 18.4% from 2022/23), and included inflation, National Living Wage and other pressures of £9,585 millions and £32,376 millions respectively, and required savings and additional income of £9,563 millions.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report before the Committee referred to the [Budget 2023/24 Impact Assessment](#), circulated prior to the meeting, giving an overview of the impact assessments for all service areas for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments were a dynamic process and that individual assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals and other operational matters affecting Children's Services raised at the meeting included the following:

#### Children Social Care:

- Overall, the budget increase was welcomed, but close monitoring was required and to this end monthly meetings with Scrutiny and Finance would be arranged.
- Concern at the pace of change in the Children's Services and that delivery of change should be carried out much more quickly and robustly.
- Concern at the School Transport savings, as numbers requiring transport were increasing.
- All Members were encouraged to attend the Corporate Parenting Forums, in their role as corporate parents.
- Suggestion that the Scrutiny Committee meetings take place in rotation around the County, in addition to the Scrutiny visits already planned.
- As a result of the additional £20 million investment, the Placement Sufficiency Strategy would be reviewed, led by the Head of Corporate Parenting and the Head of Commissioning. A multiagency Placement forum was held twice a week reviewing current placements and support packages, with significant savings already having been made from high cost placements.
- There was discussion around the unaccompanied asylum-seeking children.
- Special Guardianship and Adoption arrangements would also form part of the Sufficiency Strategy review.
- It was noted that the cross cutting corporate and other savings of £144,000 at paragraph 5.11.5 of the report was not connected to the Children's Centres and should have been on a separate line.
- A review of Early Help would be carried out of which children's centres would form part to ensure a joined up response for children in Devon; and the contract had been extended for a year to enable that review to be undertaken.
- As to workforce recruitment and retention:

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- o There were currently 10 unfilled social worker vacancies, which was a significant improvement on the previous year, although recruitment of agency and permanent staff was needed to create stability in the workforce.
  - o Caseloads were more manageable and had reduced to an average of 16, a considerable reduction over 2021/22.
  - o A permanent workforce was now needed to be worked on with a reduction in the number of agency workers. With improved benefits now in place, it was hoped to attract more permanent staff to Devon.
  - o It was hoped that by 2024 the Council would have its own 'home grown' cohort of social workers.
- Phase 1 of the Leadership reshape (tiers 3 and 4) had now been concluded and successful recruitments made to nine of the 10 heads of service posts, therefore, high cost project teams were no longer needed. The Committee welcomed the stability this would bring to the Service.

## Public Health Nursing

- The Service were not experiencing any issues post-pandemic; indeed the Care Quality Commission had just published its report on the good work of the Service.
- Members queried whether any part of this budget would be used for Early Help for mental health in schools and Officers confirmed this would be considered as part of the current review on the Early Help offer; also that the Department for Education were offering grants for eligible schools to train mental health leads.

## Education Learning and Inclusion Services

- Schools Transport now had an in-house provision of four vehicles that would achieve significant savings through the year.
- The Independent Travel team trained young people with additional needs to use public transport, thereby improving life skills and saving taxi costs.
- Improved confidence in the Stagecoach service meant that more young people using public transport could be reinstated.
- There were no changes in eligibility for schools transport this year, although an increase in fees for post-16 and concessionary passengers was currently being consulted upon, however Members voiced concern that any increases should not deter young people and vulnerable families from accessing education.

## Schools Funding

- Concern at the continued budget pressures in relation to SEND, largely due to the increasing demand for an EHCP - there were currently just under 8,500 EHCPs in Devon.
- Concern at the backlog of EHCP assessments, although interim staff were coming in to progress these.
- Concern at the increased numbers of permanently excluded children from primary schools with SEND needs, following a return to school post-pandemic, and the provision of alternative provision.
- Members welcomed the new Special School provision.
- Concern at the delay in receiving a decision from Government as to the Safety Valve Intervention Initiative. The Cabinet Member reported that he was due to meet the Minister next week to discuss.

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

**RESOLVED** that the Committee

Welcomes and supports:

1. The 18.4% increase in the budget for Children's Services and the Committee looks forward to seeing the resulting improvement in Children's Services.
2. The efforts of Children's Services staff to continue to support Children in Devon and delivering services through restorative practice.
3. The endeavours of the Cabinet Member as a member of the F40 group to continue to press for fairer funding for Devon's Children.

Record concern:

4. The realism of achieving the £9.6 million in-year savings and particularly the £2.6 million from school transport, anticipating the fees and charges review; whilst appreciating the service has embedded Scrutiny's previous comments and now provides in-house transport.
5. Uncertainty around senior leadership changes in Children's Services in supporting the pace of change of the authority to rise to meet the challenges in Children's and the resulting pressure on the budget.

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6. The continued reliance on agency staff, acknowledging the progress made in permanent staff recruitment to reduce this.
7. The ongoing uncertainty with government regarding the SEND high needs block safety value process considering the cumulative deficit of £127 million to the end of the current financial year.

Cabinet be asked to:

8. Explore the expansion of curriculum support and mental health provision to schools, with a view to providing a broader curriculum creating a positive learning environment for all pupils and especially those with Social Emotional and Mental Health Needs to reduce permanent exclusions and improve attendance.
9. Support the Children's Scrutiny Committee in their critical friend challenge of the in-year financial position with monthly monitoring reporting to Committee to include direction of travel and value for money in the following areas:
  - EHCPs
  - External Care and SEND placements
  - Recruitment and Retention / Agency figures
  - School transportand trialling this governance approach for 3 months.
10. Increase the pace of work to support the needs of key workers by working with Devon stakeholders to embed an essential offer including accommodation, training and travel. The Scrutiny Committee strongly believes that this will help ease the financial burden on the authority.

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

The Meeting started at 10.30 am and finished at 1.05 pm

## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

30 January 2023

### Present:-

Councillors A Dewhirst (Chair), C Slade (Vice-Chair), M Asvachin, Y Atkinson, J Berry, J Brook, P Bullivant, R Chesterton, P Crabb, M Hartnell, R Radford, I Roome and J Trail BEM

### Apologies:-

Councillors J Hodgson and J Wilton-Love

### Members attending in accordance with Standing Order 25

Councillors R Croad, R Hannaford, F Letch and S Randall Johnson

#### \* 84 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

#### \* 85 **Public Participation**

There were no oral representations from Members of the Public.

#### \* 86 **Budget 2023/24**

(In accordance with Standing Order 25, Councillors Hannaford and Randall Johnson attended and spoke in relation to the budget meetings and outcomes at their respective Scrutiny Committees; Councillor Croad attended and spoke as the Cabinet Member for Public Health, Communities and Equality; and Councillor Letch attended and spoke in regard to pay and display and impact in his division).

The Committee noted that the proposed budget for the 2023/24 financial year would be scrutinised by individual Scrutiny Committees.

The Chairs of the Children's Scrutiny Committee and the Health and Adult Care Scrutiny Committee presented their resolutions and gave an overview of those issues arising to the meeting. This Committee would also consider the draft budget proposals within its own remit, providing an opportunity for Scrutiny Members to comment on proposals for the Council's Budget in its entirety. The resulting resolutions from Scrutiny would be reported to Cabinet and Council.

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CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
30/01/23

This would follow the opportunity for individual Scrutiny Committees – at this meeting – to have an initial overview of the budget proposals and examine them to identify any specific issues or areas of interest for incorporation into any recommendations to Cabinet and Council.

The Committee then considered the joint report of the Interim Chief Executive, Director of Finance and Public Value, Director of Public Health, Communities and Prosperity; and Director of Climate Change, Environment and Transport (DF/23/05) on the provisional financial settlement made by Government and the spending targets set by the Cabinet for each service area which included inflation, commitments and any service prioritisation reductions. The Report also detailed the proposed medium-term capital programme 2023/24 – 2027/28 for the Services and how it was funded.

The Cabinet, at its meeting of 11 January 2023, had set Revenue Budget targets for 2023/24. That Report outlined the targets in paragraph 3.8 which represented a net increase in service budgets of £66.2 million, which was a 10.5% increase.

As detailed within budget monitoring reports, significant pressures had been and were continuing to be experienced within Devon and across the country. The cost of living and geopolitical situation had created huge financial pressures nationally. As a consequence, the Authority had faced unprecedented price and demand pressures in the current year and although significant savings had been found to offset this many had been one off measures. In addition, there had been much more uncertainty in terms of central government funding to local government, combined with the most challenging budget round that the Authority had faced in recent decades.

Budget monitoring at month 2 had identified an unprecedented forecast overspend and therefore since the month 2 report, a Financial Sustainability Programme had been set up to address the level of overspending. The programme had been successful in containing some expenditure and making savings, which was reflected in a significantly improved outturn forecast by month 8.

The Capital Programme for 2023/24 to 2027/28 was detailed in the report and would be presented to Cabinet at the February Budget meeting.

On 19th December 2022, the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, released a written Ministerial statement to Parliament setting out the provisional local government finance settlement for 2023/24 financial year. This was in line with the Spending Review 2021 and updated for the announcements made in the Autumn Statement of 17th November 2022.

The provisional local government finance settlement for 2023/24 was a single



Year settlement, as was the previous year. Government had outlined national funding levels for 2024/25 but uncertainty remained at individual council level, as distribution mechanisms for 2024/25 were unconfirmed.

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The proposed service revenue budget targets for the 2023/24 financial year were set out in the table below.

	2022/23 Adjusted Base Budget £000	Inflation and National Living Wage £000	Other Pressures £000	Savings, alternative funding and additional income £000	2023/24 Target Budget £000	Net change £000	
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*2022/23 Base budget adjusted for permanent virements*

The Committee were reminded that its consideration of the draft Corporate, Infrastructure and Regulatory Services budget was just part of the process of setting the County Council's budget which, following this meeting, would culminate in the Cabinet meeting on 10th February 2023 formulating a budget for consideration by the County Council on 16th February 2023.

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The Chief Executive, Director of Public Health, Communities and Prosperity; and Director of Legal Services and Democratic Services and their respective Heads of Service commented on the likely implications of the 2023/24 target for their respective individual service areas, confirming that the overall approach had been to strike a balance between the reality of the financial challenges facing the Council and providing sustainable support services against the increasing demands of front-line services and operational demands. In order to deliver budget targets in Services budget reductions were required across all service areas.

The Leadership Group commentary in the Report referred to the increasing needs and demands coupled with rising inflation and legal obligation to set a balanced budget and actions to reduce costs and find savings.

The Report also contained the detailed budget proposals across the Services within the remit of this Committee, prepared in line with the targets referred to above, reflecting the different pressures and influences faced by services. The Target Services' budgets for 2023/4 was detailed in the table above along with the required savings.

Under the Equality Act 2010, the County Council had a legal duty to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations when making decisions about services. Where relevant, Impact Assessments were carried out to consider how best to meet this duty, which included mitigating against the negative impact of service reductions.

The Report before the Committee referred to the Budget 2023/24 Impact Assessment, circulated prior to the meeting, giving an overview of the impact assessments for all service areas (available at: [Budget setting 2023/2024 - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/budget-setting-2023-2024-impact-assessment) for the attention of Members so they were aware of the equality impact assessments undertaken as part of the budget's preparation, that any risk assessments and projections were adequate and the evidence supported the assumptions made in the formulation of the budget. Also bearing in mind that the preparation of Impact Assessments were a dynamic process and that individual assessments for specific proposals may need to be updated with time, Members of the Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required.

Specific issues and observations arising from the current budget proposals raised at the meeting in discussion with the Directors and Heads of Service included the following:

(a) Communities, Public Health, Environment and Prosperity: - it was noted that the Public Health budget had been scrutinised at the Health & Adult Care Scrutiny Committee and this Committee would now scrutinise the

Communities and Prosperity / Economy, Enterprise and Skills Services and raised the following points:

(i) Members re-iterated concerns about the late notification of the Public Health grant from Government which made effective planning and budget setting more problematic;

(ii) additional resources for the Communities team to help address poverty and resilience, for example food vouchers for children (who received free school meals) during School holidays and other forms of support and advice for vulnerable families; (and more information available at: [Cost of living | Help and advice for people in Devon | Devon County Council](#));

(iii) Members' concerns about the proposed reduction in Locality Budgets which would impact on local initiatives and projects and reduce their interface with local communities; and

(iv) support for the proposed additional funding for the Citizens Advice Bureau;

#### Economy, Enterprise and Skills:

(v) progress in developing Skypark and funding arrangements and on which further reports would be made to this Committee; and

(vi) the more fragmented funding arrangements which now replaced (at lower levels) former regional EU support; and initiatives and support to improve technological, mathematical and literacy skills for adults

#### (b) Corporate Services HR Services, Legal Services, Digital Transformation and Business Support:

(i) difficulties in the recruitment and retention of professional legal staff and resulting inflationary pressures and the development of a HR Strategy to address the issues and scope for improving local salary packages within a national framework;

(ii) allocation of resources for the development of an IT Road map including cyber security and device management, and development of the equality initiatives and overall strategy; and

(iii) the possibility of more savings from adoption of hybrid arrangements for formal Council committee meetings for voting members, which would improve flexibility/attendance etc (which would require approval from Government);

# Agenda Item 10.(c)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
30/01/23

(c) Climate Change, Planning and Transportation:

(i) increased inflationary pressures and costs which led to an unavoidable increase in the term maintenance contract;

(ii) the policy approved by Cabinet on the introduction of advertising on Highways assets on which more information was available at: [Highways and Traffic Management Policy Reviews - Final.pdf \(devon.gov.uk\)](#);

(iii) the invest to save £4.237m for [Telensa](#) cells in Appendix B of the Report would allow the Authority to continue the roll out to approximately 80% of its 81,000 streetlights; and as the current technology was not cost effective when considering more remote communities with low numbers of streetlights; but as technology improved it was anticipated that the remaining 20% would be provided countywide control;

(iv) the continuing work in developing an updated pricing strategy within the Waste Recycling Centres and noting that whilst domestic waste had reduced there was a corresponding increase in domestic waste rates;

(v) the National Lottery Food rescue project (minimisation of food waste) on which more information would be circulated to Members;

(vi) the savings which arose from the reduction of concessionary travel numbers which were still below pre-pandemic levels; and reasons behind the increased staffing within the Transport co-ordination Centre;

(vi) the increased number of highways maintenance gangs to address the continuing and immediate safety defects and the long-term decline in the network condition both in terms of revenue support for maintenance and longer term capital programmes, which resulted in a managed decline; and

(vii) the ongoing review of the economic impact from the introduction of Pay and Display car parking arrangements in town centres;

The Committee also received data in relation to grants paid to external organisations; staffing changes; and also considered the Capital Programme 2023 - 2028 and noted that external borrowing related to Freeport project Plymouth/South Hams would be externally financed via local business rates.

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

**RESOLVED** that this Committee

Welcomes and supports:

1. The overall 10.5% increase in the budget and specifically the 18.4% increase in the budget for Children's Services and the 8.8% increase in the budget for Integrated Adult Social Care. Scrutiny looks forward to seeing the resulting improvement in Children's Services and Adult Care, recognising the increasing demands in the system;
2. the efforts of Devon County Council staff in continuing to support the most vulnerable people and providing essential services:
3. the endeavours of the Cabinet Member for Children's Services and Schools as a member of the F40 group to continue to press for fairer funding for Devon's Children; and .
4. the work done by the Communities team in partnership with District Councils to support those hit the hardest by the increase in the cost-of-living.

Record concern:

5. The realism of achieving the savings outlined across the budget, particularly the
  - (a) the £9.6 million in-year savings and particularly the £2.4 million from school transport, anticipating the fees and charges review; whilst appreciating the service has embedded Scrutiny's previous comments and now provides in-house transport; and
  - (b) the Integrated Adult Social Care in-year savings set at £30 million; against not yet achieving the in-year savings of £18million, coupled with the continued increase in demand and inflation pressures;
6. uncertainty around senior leadership changes in Children's Services in supporting the pace of change of the Authority to rise to meet the challenges in Children's and the resulting pressure on the budget;
7. the continued reliance on agency staff in Children's services, acknowledging the progress made in permanent staff recruitment to reduce this;
8. the ongoing uncertainty with government regarding the Special Educational Needs Disability (SEND) high needs block safety value process considering the cumulative deficit of £127 million to the end of the current financial year; and
9. the introduction of the Care Quality Commission inspection regime for Adults will place an additional burden on the Council and its partners. The Committee seeks assurance preparations are comprehensive and vigorous to meet these new requirements.

# Agenda Item 10.(c)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
30/01/23

ask Cabinet to:

10. Support Scrutiny in their critical friend challenge of the in-year financial position:

(a) for Children's this should include monthly monitoring reporting to Committee members to include direction of travel and value for money in the following areas: -

- Education Health and Care Plans
- External Care and SEND placements
- Recruitment and Retention / Agency figures
- School transport

and trialling this governance approach for 3 months; and

(b) for Integrated Adult Social Care this should involve regular monitoring reports to Committee including benchmarking with other local authorities where appropriate;

11. explore the expansion of curriculum support and mental health provision to schools, with a view to providing a broader curriculum creating a positive learning environment for all pupils and especially those with Social Emotional and Mental Health Needs (SEMH) to reduce permanent exclusions and improve attendance;

12. increase the pace of work to support the needs of key workers by working with Devon stakeholders to embed an essential offer including accommodation, training, and travel. The Scrutiny Committee strongly believes this will help ease the financial burden on the authority;

13. lobby government to highlight the difficulty of operating services in the financial climate and ask for changes against the following:

(a) the disparate nature of the grants received in Adult Social Care and the unhelpful impact of piecemeal multiple grants;

(b) the uncertainty about the anticipated changes to Liberty Protection Safeguards;

(c) the unknown grant settlement for Public Health and resultant difficulties in plan making;

(d) the 1-year financial settlement for the Council against demand-led costs, not accounting for inflation and the resulting challenges in developing strategy with financial risk; and

(e) investment in highways to arrest the ongoing decline in the state of the highway;.

14. lobby government to request a change in legislation to allow formal Committee/County Council meetings to be undertaken as hybrid meetings;
15. review how the Council is offering support to the voluntary and Community Sector both through tactical access to grants and clear communication channels of the County Council;
16. consider additional investment in highways.
17. at the stage when the public health grant is known Cabinet to invest in public mental health; and
18. recognising the financial challenges of the organisation, Scrutiny approves the reduction to Members locality budgets on the basis that they are reviewed in the future and ask that future changes include consultation with Members.

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

The Meeting started at 9.30 am and finished at 12.17 pm





## **PAY POLICY STATEMENT 2023/24**

Report of the Head of Human Resources

**Recommendation:** That the Committee endorse and commend the revised Pay Policy Statement (Appendix 1) for 2023/24 to the Council.

### **1. Introduction**

- 1.1. The Pay Policy Statement, required under the Localism Act 2011, forms part of the Constitution of Devon County Council. It is a statutory requirement for the Pay Policy Statement to be reviewed annually.
- 1.2. The Pay Policy Statement currently specifies that salaries for Chief Officers (Directors) and Heads of Service on Leadership Grades are fixed for the duration of the Policy and are to be reviewed annually by the Appointments, Remuneration and Chief Officer Conduct Committee. Any variation from the fixed salary during the period of this policy requires approval from the County Council, except in the case of annual pay awards which are determined by national JNC agreement.

### **2. Context**

- 2.1. The Pay Policy Statement takes account of the implications of the National Living Wage on the pay and grading structure, recruitment and retention difficulties and the changing nature of work and roles within the Council.
- 2.2. A Pay and Allowances Review continues to be conducted. Relevant authorisation procedures will be followed relating to any resulting proposed changes to pay and allowances
- 2.3. This statement does not reflect the 2023/4 national pay awards as these have not been agreed yet.
- 2.4. The Chief Executive and Head of Paid Services Salary was increased in 2022 to reflect external benchmarking information regarding the market rate. No further changes to senior management salary levels are proposed at this time.
- 2.5. The increase in the Chief Executive and Head of Paid Services salary has contributed to the increase in ratios detailed in 6.3 and 6.4 of the Statement.
- 2.6. A new Interim and Consultants Section has been included in this year's report to provide transparency on the Council's interim and consultant reward arrangements.

### **3. Financial and Other Implications**

- 3.1. The implementation of any future national pay awards and the change to the Authority's wider reward strategy will have a financial impact, but the exact details are not known at this stage.

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- 3.2. This report and the accompanying statements have no specific equality, sustainability, legal, financial or public health implications that are not already covered by or subsumed within the detailed policies or requirements referred to therein.

## 4. Conclusion

- 4.1. It is recommended that the Appointments, Remuneration and Chief Officer Conduct Committee endorse the revised Pay Policy Statement for submission to the County Council for ratification on 16<sup>th</sup> February 2023 and amendment of the Constitution accordingly in line with statutory requirements.

Maria Chakraborty, Head of Human Resources

[Electoral Divisions: All]

Cabinet Member for Organisational Development, Workforce and Digital Transformation  
Andrew Saywell

## Local Government Act 1972: List of Background Papers

Contact for enquiries: Maria Chakraborty, Head of HR  
Telephone: 01392 383000

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

### Pay Policy Statement (April 2023 - March 2024)

#### 1. Introduction

- 1.1. This document sets out Devon County Council's pay policy statement which will be reviewed annually.
- 1.2. The statement sets out the Council's policies relating to the remuneration of chief officers / directors / heads of service, senior officers and officers and the relationship between the remuneration of the highest and lowest paid. Remuneration for the purpose of this statement includes basic salary, any other allowances and any payments made upon the cessation of employment.
- 1.3. The key principles underpinning this pay policy statement are:
  - 1.3.1. **Affordability** – ensuring remuneration policies represent value-for-money for the taxpayer.
  - 1.3.2. **Fairness** – ensuring remuneration policies are fair to all employees, ranging from the most senior post to the most junior post.
  - 1.3.3. **Meeting legislative requirements** – ensuring remuneration policies comply with all legal obligations, such as the Equality Act and Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 regarding gender pay gap reporting.
  - 1.3.4. **Market Awareness** – ensuring due regard is taken of the market, both nationally and locally in the Southwest, and that this policy is in line with councils of a similar size and/or in a similar labour market.

#### 2. Officers (including Lowest Paid Employees)

- 2.1. Officers are defined as those on [grades A-T](#)
- 2.2. The lowest paid employees at the County Council are defined as employees paid on Spinal Column Point 1. Following the 2022/3 National Joint Council (NJC) Pay Award for Local Government Services, the lowest pay point in the Council's Main Grading Structure is Spinal Column Point 2 of the NJC's Pay Scale.<sup>1</sup>
- 2.3. The majority of Officers are employed under NJC terms and conditions, except for those outlined in 2.9.
- 2.4. The adoption of the NJC Pay Scale was jointly agreed by the County Council and NJC recognised Trade Unions as part of Single Status implementation.
- 2.5. The County Council uses the Greater London Provincial Council (GLPC) job evaluation scheme to determine an employee's position on the NJC pay scale (and therefore their pay level).
- 2.6. Where the pay grades provide incremental progression, officers are eligible for annual incremental increases up the NJC pay scale until they reach the top of their grade.
- 2.7. Any annual pay awards are determined by the relevant national pay agreement.
- 2.8. Officer appointment, remuneration and terms in the event of the cessation of employment are in line with paragraph 4 of the Chief Officer Employment Procedure Rules, Council employment policy and statutory regulations and guidance.
- 2.9. Certain staff groups, defined as 'Officers' within this Pay Policy Statement, are employed on different terms and conditions which reflect alternative national agreements, this includes teachers, Soulbury and NHS (Agenda for Change). There is also a small number of staff who have TUPE transferred in whose terms and conditions are not linked to a national agreement.

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<sup>1</sup> All staff are paid at least this rate with the exception of a small number of employees who have TUPE transferred into the Council. They remain on their previous pay rates due to TUPE regulations.

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## 3. Senior Officers

- 3.1. Senior Officers are defined as those on grades L9-L5 for non-Head of Service posts.
- 3.2. Senior Officers are employed under Joint Negotiating Committee for Chief Officer (JNC) terms and conditions unless noted otherwise.
- 3.3. Senior Officers are remunerated on a local pay scale.
- 3.4. The Hay job evaluation scheme is used to determine an employee's position on the local pay scale (and therefore their pay level).
- 3.5. The County Council operates a tiered pay scale for Senior Officers. Each tier has a spot salary and there is no incremental progression or salary increase, other than any annual pay awards which are determined by national JNC agreement.

## 4. Chief Officers (Directors) and Heads of Service

- 4.1. Chief Officers (Directors) and Heads of Service are defined as follows:
  - 4.1.1. Chief Officers (Directors) are defined as those on Grades L0-L3.
  - 4.1.2. Heads of Service – either holders of posts defined locally who comprise the Council's Leadership Team appointed by the Appointments Remuneration and Chief Officer Conduct Committee and the Local Government and Housing Act 1989 or who fall within the category of non-statutory officer (as set out in the Local Government and Housing Act 1989), on Devon County Council Grades L2-L4.
- 4.2. All Chief Officers (Directors) and Heads of Service are employed under Joint Negotiating Committee for Chief Executive or Chief Officer (JNC) terms and conditions.
- 4.3. The County Council operates a [tiered pay scale](#) for Chief Officer (Directors) and Heads of Service posts. Each tier has a fixed, spot salary and there is no incremental progression. The Hay job evaluation scheme is used to determine an employee's position on the scale (and therefore their pay level).
- 4.4. The Appointments Remuneration and Chief Officer Conduct Committee will consider and recommend the appointment, remuneration and terms in the event of the cessation of employment of any substantive posts of Chief Officers (Directors) and Heads of Service, in line with its Terms of Reference, the Pay Policy Statement, Chief Officer Employment Procedure Rules, the Council's employment policy and statutory regulations and guidance.
- 4.5. The Appointments Remuneration and Chief Officer Conduct Committee would not normally recommend the re-employment of individuals to Chief Officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modification Order.
- 4.6. Salaries are fixed for the duration of this policy and reviewed annually by the Appointments Remuneration and Chief Officer Conduct Committee. Any variation from the fixed salary during the period of this policy (either for an existing Chief Officer (Director) / Head of Service or for the appointment of a new Chief Officer (Director) / Head of Service) requires approval from the County Council, except in the case of any annual pay awards which are determined by national JNC agreement.
- 4.7. The Director for Legal and Democratic Services (County Solicitor) is also the County Returning Officer and Returning Officer fees paid are in line with the guidance stipulated from the Ministry of Justice for the relevant elections.
- 4.8. The County Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of Chief Officers (Directors) / Heads of Service. Pay levels for all Chief Officers (Directors) / Heads of Service

posts are published on the [County Council's website](#) and/or in the [Annual Statement of Accounts](#).

## 5. Terms and Conditions for all employees

- 5.1. The County Council does not operate a performance-related pay scheme for any employee.
- 5.2. The County Council does not pay bonuses to any employee.
- 5.3. The County Council may pay a market supplement in circumstances where it is not possible to recruit or retain particular staff or categories of staff, subject to the principles set out in the Council's Market Supplement Policy. The market supplement is a temporary addition to the basic pay of the role and is reviewed annually. Market supplements paid to the highest paid employees will be published in accordance with any relevant legislation and the Senior Officers salary publication requirements.
- 5.4. Travel and subsistence expenses incurred on County Council business are reimbursed to employees. Reimbursement of expenses is governed by the principle that employees should not be financially advantaged or disadvantaged in carrying out their duties and all employees are subject to the same policy. Expenses and any benefits-in-kind for the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.5. The County Council does not pay fees on behalf of any employees, though this is subject to change in exceptional circumstances where there is an appropriate business case. Any fees paid to the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.6. Allowances are paid in line with the applicable terms and conditions. i.e. NJC for the majority of Officers and JNC for Senior Officers and Chief Officers (Directors) /Heads of Service, or by local agreement where appropriate. Any allowances paid to the highest paid employees will be published in the [Annual Statement of Accounts](#).
- 5.7. All employees are subject to the same terms and conditions in respect of termination of employment. The only exception to this is Chief Officers (Directors) who are subject to a modified disciplinary procedure which is outlined in paragraph 9 of the Chief Officer Employment Procedure Rules.
- 5.8. All non-teaching employees are eligible to join the Local Government Pension Scheme (LGPS). The County Council does not augment pensionable service. The Council's employer severance and pension discretions, allowed under the LGPS regulations, apply to all employees.
- 5.9. During the year the Council will continue to explore and consult upon, with the aim of agreeing, changes to employee terms and conditions, to ensure that they are fit for purpose for a changing council.

## 6 Interims and Consultants

- 6.1 A Chief Officer (Director) or Cabinet Member must approve the hire, extension or movement of all interims or consultants as outlined below.
- 6.2 For projects and activities under their control, Chief Officers (Directors) with approval from the Chief Executive and the Leader of the Council may appoint specialist consultants up to the value of £100,000 per consultant (the requirement is not for £100,000 in any year, it is a fixed total which may overlap years).
- 6.3 Where the total requirement value is over £100,000, approval is required from the Chief Executive and the Cabinet Member responsible for Organisational Development & Digital Transformation

# Agenda Item 11.

- 6.4 Interims/consultants hired at a senior level, where their pay is in excess of £58,200 or where the post reports directly to the Chief Executive, Chief Officer (Director) or Head of Service, will have their annual contract value published on the DCC website in line with data transparency requirements
- 6.5 Due to the current financial climate, in addition to the above, interim and agency engagement arrangements must also comply with requirements outlined in the Council's eight-point plan.

## **7. Relationship between Chief Officers (Directors) and employees who are not Chief Officers**

- 7.1. Senior Officers and Chief Officers (Directors) / Heads of Service receive no special enhancements to benefits or terms and conditions.
- 7.2. The Hutton Review recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 20:1. The County Council has adopted this recommendation. It is the Council's policy that this ratio will not exceed 20:1 and it will be reviewed annually by the Appointments, Remuneration and Chief Officer Conduct Committee.
- 7.3. The current ratio of the highest paid post to the lowest paid post at the County Council is 10:1<sup>2</sup>, based on the lowest paid post being at spinal column point 2
- 7.4. The ratio of the median average pay level to the highest paid post at the County Council is 8:1<sup>3</sup> The ratio of the mean average pay for Chief Officers (Directors) / Heads of Service to non-Chief Officers (Directors) / Heads of Service is 3:1<sup>4</sup>

## **8. Director of Public Health (known as Director of Public Health, Communities and Prosperity)**

- 8.1. Devon County Council assumed public health responsibilities (in line with the Health and Social Care Act 2012) from April 2013 and employs a Director of Public Health, who is defined as a Chief Officer (Director), as described at paragraph 4.1.
- 8.2. A number of Devon Public Health employees transferred from the NHS to Devon County Council in accordance with the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) with effect from 1st April 2013. In practice this means that the existing terms and conditions of employment of transferring employees are protected at the point of transfer, and they currently continue to be paid on NHS pay rates and not NJC or JNC terms.

## **9. Amendments to this policy**

- 9.1 As the policy covers the period April 2023 to the end of March 2024, amendments may need to be made to the policy throughout the relevant period. As the Localism Act 2011 requires that any amendments are approved by the Council, proposed amendments will be reported to the Appointments, Remuneration and Chief Officer Conduct Committee for recommendation to the Council

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<sup>2</sup>The 2022/23 reported ratio was 9.1

<sup>3</sup> The 2022/23 reported ratio was 7.1

<sup>4</sup> The 2022/23 reported ratio was 3.1

## APPEALS COMMITTEE

5 December 2022

### Present:-

Councillors J Hawkins (Chair), P Sanders, C Slade and C Whitton

### Apologies:-

Councillors P Henderson

\* 50

### Minutes

**RESOLVED** that the minutes of the meeting held on 7 November 2022 be signed as a correct record.

\* 51

### Exclusion of the Press and Public

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

\* 52

### Budget Monitoring

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

The Committee received the Report of the Director of Climate Change, Environment and Transport on the financial impact of the Committee's decisions for the current financial year.

\* 53

### Deferred Appeals

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

There were no appeals that had been determined under urgency procedures following Members' route walks arising from the last meeting.

# Agenda Item 13.(a)

2

APPEALS COMMITTEE

5/12/22

## \* 54 School Transport Appeals

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

The Committee considered reports from the Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST220	Bovey Tracey – Ilsington Primary	Appellant
ST212*	Dartmouth – Dartmouth Academy	Appellant and Local County Councillor
ST217 & ST218	Yelland – Barnstaple, The Park School	Appellant and Local County Councillor

Additionally, case ST214 had been deferred, at the request of the appellant.

### **RESOLVED:-**

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

ST217 & ST218	Yelland – Barnstaple, The Park School
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(b) that the following appeal(s) be refused:-

ST220	Bovey Tracey – Ilsington Primary
ST212*	Dartmouth – Dartmouth Academy .

\*Councillor Slade in the Chair for case ST212.

### **NOTES:**

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

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

The Meeting started at 9.45 am and finished at 12.30 pm



## APPEALS COMMITTEE

9 January 2023

### Present:-

Councillors J Hawkins (Chair), P Henderson and C Slade

### Apologies:-

Councillors P Sanders and C Whitton

\* 55

### Minutes

**RESOLVED** that the minutes of the meeting held on 5 December 2022 be signed as a correct record.

\* 56

### Exclusion of the Press and Public

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

\* 57

### Budget Monitoring

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

The Committee received a verbal update from the Director of Climate Change, Environment and Transport on the financial impact of the Committee's decisions for the current financial year.

\* 58

### Deferred Appeals

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

There were no appeals determined under urgency procedures and no Members' route walks arising from the last meeting.

\* 59

### School Transport Appeals

# Agenda Item 13.(b)

2

APPEALS COMMITTEE

9/01/23

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

The Committee considered reports from the Interim Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST221            Bovey Tracey to Teign School            Appellant and Local County Councillor

## **RESOLVED:-**

(a) that the following appeal be refused:-

ST221            Bovey Tracey to Teign School

(b) that it be noted that the following appeal was withdrawn:-

ST222            Lapford to QEA, Crediton.

## **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 10.25 am and finished at 11.15 am

## DEVELOPMENT MANAGEMENT COMMITTEE

7 December 2022

### Present:-

Councillors J Brook (Chair), P Bullivant (Vice-Chair), I Chubb, D Cox, G Gribble, P Henderson, J Hodgson, P Sanders, C Slade, J Wilton-Love and J Yabsley

### Apologies:-

Councillors S Aves, A Connett, R Hannaford and L Hellyer

### 32 Minutes

RESOLVED that the Minutes of the meeting held on 21 September 2022 be signed as a correct record.

### 33 Items Requiring Urgent Attention

No item was raised as a matter of urgency.

### 34 County Matter: Waste East Devon District: Retrospective planning application to vary Condition 15 of planning permission 07/00955/2006 to permit fixed wash plant or machinery for inert recycling operations, Hill Barton Business Park, Clyst St Mary, Exeter

The Committee considered the Report of the Chief Planner (CET/22/76) on the variation of condition 15 of planning permission 07/00955/2006 to facilitate the installation of additional plant to enable improved recovery/segregation of sand and stone at Hill Barton Business Park which is located approximately 4km to the east of Junction 30 of the M5.

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

Member discussions and questions to the Officers related to possible increase in noise but it was highlighted that as this was a retrospective application actual noise readings had been taken rather than giving estimated information.

It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor J Yabsley and

**RESOLVED** that that planning permission be granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

# Agenda Item 13.(c)

2

DEVELOPMENT MANAGEMENT COMMITTEE

7/12/22

**35**      **County Council Development**  
**South Hams District: Relocation of Slapton Monument approximately**  
**1.4km north east on land north of A379 to preserve the monument from**  
**storm damage and restoration of existing site**

(Peter Chamberlain, Environment Manager, Devon County Council spoke on behalf of the applicant (supporter) and Cllr Jane Abbey and Cllr Michael Crowson, both from Slapton Parish Council attended under the Public Participation Scheme and spoke in objection to the application).

The Committee considered the report of the Chief Planner (CET/22/77) which related to the relocation of Slapton Monument on land north of the A379 approximately 1.4km north-east of its current location.

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

Member discussions and questions to the Officers (which included points arising from the issues raised by the Speakers) related to related to vulnerability of storm damage, accessibility of the monument to the public, exposure to car exhaust gases, concerns about the removal of the concrete base and replacement materials.

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

It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor P Bullivant and

**RESOLVED** that planning permission be granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

**36**      **North Devon District: Article 4 Direction to remove permitted**  
**development rights for mineral working for agricultural purposes**  
**Location: Codden Hill, Bishop's Tawton, Barnstaple**

(Councillor P Henderson attended in accordance with Standing Order 25 (2) (b) and spoke in favour to the application).

The Committee considered the report of the Chief Planner (CET/22/78) which recommended making a non-immediate Article 4 direction to remove the permitted development rights associated with mineral extraction for agricultural purposes in the area known as Codden Hill, southeast of the village of Bishop's Tawton.

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

It was explained that an Article 4 direction would result in the withdrawal of permitted development rights, meaning that deemed planning permission is no longer granted automatically by the GPDO and that a planning application would need to be made to the mineral planning authority.

Member discussions and questions to the Officers included points arising from the issues raised by the Speakers related to detrimental effect on residents living in that area, risk of legal action, the continuation of current operations, and confirmation that removal of permitted development rights would ensure that any future proposals for quarrying require planning consent.

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

It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor J Yabsley and **RESOLVED** that:

(a) a non-immediate Article 41 direction be made, subject to any intervention from the Secretary of State for Levelling Up, Housing and Communities, covering the area shown in red in Appendix I to remove the following permitted development rights within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended): (i) Class C - mineral working for agricultural purposes, of Part 6 Agricultural and forestry

(b) The Chief Planner be authorised to make any minor amendments necessary to the direction that do not alter the main purpose, in consultation with the Chair and Local Member.

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

The Committee received the report of the Chief Planner (CET/22/79) on action taken under delegated powers.

**NOTES:**

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

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

The Meeting started at 2.17 pm and finished at 3.09 pm



**APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE**

2 February 2023

Present:-

Councillors J Hart (Chair), C Whitton, J Brazil, A Saywell and A Leadbetter

\* 50

**Minutes**

**RESOLVED** that the minutes of the meeting held on the 11 November and 24 November 2022 be signed as a correct record.

\* 51

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 52

**Recruitment Process and Terms & Conditions for Director of Children & Young People's Futures and Deputy Director of Children's Services and Head of Social Care**

The Committee considered the proposed recruitment process and terms and conditions for both the Director of Children & Young People's Futures and Deputy Director of Children's Services and Head of Social Care.

The Report outlined the proposal to offer a market supplement to the Director of Children & Young People's Futures and Deputy Director - Children's Services and Head of Social Care roles, given their critical role in addressing the current challenges facing DCC's Children's Services in improving the current Ofsted rating of 'inadequate' to 'good'.

The Head of Human Resources briefed Members on benchmarking of salaries for the role, the previous attempts to recruit and the challenging recruitment market.

The Committee noted that a market supplement of £20,000 was already in place for the Deputy Director - Children's Social Care and highlighted the previous difficulties with appointing and needing to re-advertise posts in this field.

The existing Job Descriptions had been reviewed and updated by the interim Chief Executive, the current interim Director of Children's Services, the Commissioner from the Department for Education and the Head of Human Resources.

# Agenda Item 13.(d)

2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
2/02/23

A timetable to recruit had been drafted (at Appendix 1 to the Report). This assumed a three-month recruitment process and a 3 month notice period for the successful candidate, therefore the earliest realistic start date would be early August 2023.

In terms of the proposed recruitment process, an external Executive Search & Recruitment agency had been engaged, who had supported previously with Director appointments. An outline of the full recruitment process was given in the Report, including the appointment of Gatenby Sanderson, the attraction and early assessment stages, long-listing and short-listing as well and the role of the Appointments, Remuneration and Chief Officer Conduct Committee at Stage 2.

The following matters were raised in discussion;

- the role of bonuses in the Council and whether these could be utilised;
- the use of performance management and other tools such as probation, outcomes and target setting;
- concerns over a potentially limited pool of candidates with the current market conditions;
- the visibility of leadership being important in the Childrens Services journey; and
- the use of relocation packages and how these were monitored and used.

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

## **RESOLVED**

(a) that the updated job descriptions for both the Director of Children and Young People's Futures and Deputy Director Children's Social Care be noted and endorsed;

(b) that, in order to provide flexibility in a challenging recruitment market and secure an appointment, a market supplement of up to £20,000 in addition to the permanent Director of Children and Young People's Futures salary of £145,810 (Grade L1) be approved;

(c) that, for the same reasons as outlined in (b), a market supplement of up to £20,000 in addition to the permanent Deputy Director – Children's Social Care salary of £109,179 (Grade L3) be agreed; and

(d) that the proposed selection process for both roles be endorsed.



**53**      **Pay Policy Statement 2023/2024**

The Committee considered the Report of the Head of Human Resources which outlined the proposed Pay Policy Statement for 2023/2024.

The Pay Policy Statement, required under the Localism Act 2011, was a statutory requirement and should be reviewed annually.

The Pay Policy Statement currently specified that salaries for Chief Officers (Directors) and Heads of Service on Leadership Grades were fixed for the duration of the Policy and were to be reviewed annually by the Appointments, Remuneration and Chief Officer Conduct Committee.

The Pay Policy Statement also took account of the implications of the National Living Wage on the pay and grading structure, recruitment and retention difficulties and the changing nature of work and roles within the Council.

The Report highlighted that a Pay and Allowances Review continued to be conducted and that the statement did not reflect the 2023/4 national pay awards as this had not been agreed.

The Chief Executive Salary had been increased in 2022 to reflect external benchmarking information which had contributed to the increase in ratios, as detailed in 6.3 and 6.4 of the Statement, but was still within the acceptable range.

A new Interim and Consultants Section had been included in this year's Report to provide transparency on the Council's interim and consultant reward arrangements.

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

**RESOLVED** that the revised Pay Policy Statement (Appendix 1 of the Report) for 2023/24 be endorsed and commended to the Council.

# Agenda Item 13.(d)

4

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE  
2/02/23

## \* 54 Annual Report on Settlement Figures Data

The Committee received the Report of the Head of Human Resources, which gave an annual statement on settlement agreements across the Council. This was the first Report of its kind.

This was broken down into Corporate, Schools and where agreements had been reached between the Council and ACAS (known as COT3 settlements).

The Head of Human Resources added that there had been three settlement agreements in Corporate Services, eleven in schools and six in the COT3 area and that future reports would include this data.

In discussion, it was highlighted that the new guidance from Government on settlement agreements would strengthen governance arrangements and meant more Member engagement in their agreement and signoff.

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

**RESOLVED** that the Report be noted.

### **NOTES:**

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

The Meeting started at 11.30 am and finished at 12.01 pm

## PROCEDURES COMMITTEE

2 February 2023

Present:-

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

Apologies:-

Councillors J Hodgson

\* 27

**Minutes**

**RESOLVED** that the minutes of the meeting held on 20 September 2022 be signed as a correct record.

\* 28

**Items requiring urgent attention**

There was no item raised as a matter of urgency.

\* 29

**Report of the Independent Members Allowances Remuneration Panel for 2023/2024**

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2023/24.

The Chair of the Panel presented their Report, highlighting specifically that the conclusions and recommendations made had been based on sound evidence and that they had given consideration to the issues asked of them as well as the national position with the cost of living, the impact on communities as well as the operations and finances of the Council. She further thanked her Panel colleagues and officers for their support during the review.

The Panel also expressed concern over the time commitment of the Councillor role, as reported to them throughout their enquiries, and would address this in next years review as well as reviewing the role of the Chair of the Audit Committee.

Members welcomed the Panel's acknowledgment in the Report that while historically there had been little scope for improvement, the structure of the County Council's scheme remained fit for purpose with sound principles and noted that, in commending its Report to the Council, the Panel had not suggested any significant changes to the structure of the Council's scheme.

# Agenda Item 13.(e)

2

PROCEDURES COMMITTEE

2/02/23

The Panel had recommended that allowances rise by 4.32% in line with their previously agreed formula. In past years, the staff pay award had been used as a benchmark, but given this had been a lump sum payment of £1925 for 2022/2023, it was felt this was not appropriate.

The recommended allowances from May 2023 were set out in Appendix 1 of its Report, showing the impact of various percentage rises.

The Committee placed on record its thanks to the Panel for their comprehensive Report.

Members commented as follows:

- that any increase should be at the lower end of the scale;
- that the age profile of elected members, albeit younger, was still not reflective of communities;
- how the Panel linked with / considered the NJC pay negotiations;
- the reason for Councillors standing down from the role;
- to note that allowances were taxable and subject to national insurance contributions as well as not being pensionable;
- the personal safety of councillors and the work that was ongoing in this area. Members were encouraged to raise any concerns with the Director of Legal and Democratic Services;
- the importance of encouraging people to stand as Councillors and learn from those standing down if there were any issues to be addressed; and
- the balance between making allowances attractive enough for people to stand for election and providing value for money to the public.

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

## **RESOLVED**

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and asks the County Council to accept the recommendations outlined below.

i. The basic structure of the current scheme is endorsed and retained and the changes, as outlined at Appendix 1, to support clarity in submitted claims be agreed.

ii. The Panel feels it important not to depart from its established formula of calculating the basic allowance and therefore the basic allowance increases by 4.32% to £14,025 to take effect from May 2023 and the multipliers be recalculated accordingly; This is based on the Panel's standard formula, as outlined at paragraphs 6.4.

- iii. Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
- iv. In light of the concerns raised over workload, the Panel will conduct a thorough review in 2023/2024 which will particularly include hours/workload and will be inviting all Councillors to respond;
- v. The overnight rate for London remain at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures for 2020 and 2021 are very much skewed due to the impact of the pandemic);
- vi. The current position in the number of SRA's be welcomed and that the levels be kept below the 50% threshold;
- vii. That the Panel endorse the Council's wish to have only 1 SRA per Councillor and as such removed the SRA for Chair of the Procedures Committee from the Scheme (noting that the individual holding the role of Chair already receives an SRA for that role);
- viii. That the Panel will undertake a review of the Audit Committee Chair SRA in 2023/24, including benchmarking and comparative analysis of roles across other Local Authorities;
- ix. That Members of the Council be encouraged to claim those expenses that are due to them, noting the work of the Panel in widening those meetings and events that can be claimed for;
- x. That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members' and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and
- xi. The Panel wish to place on record their appreciation to Councillors for their continued Leadership and tireless working in their communities, especially given concerns raised in paragraph 5.2.

**NOTES:**

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

The Meeting started at 8.49 am and finished at 9.36 am



## **PART 7: MEMBERS' ALLOWANCES SCHEME**

This document sets out the range of allowances payable to Members of the County Council. It is intended to help Members understand which allowances may be claimed and in what circumstances.

Members are not obliged to claim allowances. If any member wishes to waive their right to claim all or some of the allowances payable they should write to the Council's Democratic Services & Scrutiny Secretariat explaining their wishes.

Members may also be entitled (if they wish to take advantage of any salary sacrifice scheme administered by the Council) to receive their allowances through a combination of direct payment and benefits by sacrificing a proportion of those allowances in return for a non-cash benefit; provided again that they give notice in writing to the Council's Democratic Services & Scrutiny Secretariat of their intention to forego that proportion or amount of allowance required under the sacrifice scheme.

The Devon County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended, hereby makes the following scheme:

1. This scheme amends the existing Devon County Council Members' Allowances Scheme and shall have effect from May 2023 (from the annual meeting)
2. In this scheme:
  - "*Councillor*" means an Elected Member of Devon County Council;
  - "*year*" means the 12 months ending with 31 March.

### **3. Basic Allowance**

Subject to paragraph 8, for each year an allowance (the basic allowance) reflecting the figure agreed by the County Council in May 2005 and subsequently updated in line with paragraph 5(h) below (currently £14,025) shall be paid to each Councillor.

It is intended to recognise the time commitment of all Councillors, including the inevitable calls on their time at various meetings of the Council, with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs, such as the use of home for council business, postage, telephone rental and broadband charges.

It is also intended to cover travel expenses incurred within the Councillors Ward, unless the event or meeting is one listed under schedule 1 or 2.

It will be paid automatically to members in twelve monthly instalments.

#### 4. Special Responsibility Allowance

a) Subject to d) below, in each year a Special Responsibility Allowance calculated in line with the basic allowance multiplier or as otherwise shown shall be paid to those members who hold the responsibilities listed below:

<b>Special Responsibility/Designated Role</b>	<b>£ 2023/2024</b>	<b>Basic Allowance Multiplier</b>
Leader of the Council	35,063	2.5
Deputy Leader of the Council	28,050	2
Cabinet Members	21,038	1.5
Chairs, Scrutiny Committees	10,238	0.73
Vice-Chairs, Scrutiny Committees	5,119	0.365
Chair of the County Council	11,220	0.8
Vice- Chair of the County Council	3,906	0.2785
Chair, Development Management Committee	7,013	0.5
Vice Chair, Development Management Committee	3,506	0.25
Chair, Investment & Pension Fund Committee	7,013	0.50
Chair, Appeals Committee	3,506	0.25
Chair, Farms Estate Committee	3,506	0.25
Chair, Public Rights of Way Committee	3,506	0.25
Chair, Audit Committee	3,506	0.25
Leader, Liberal Democrat Group <i>(recognising duties undertaken for and by Members of that Group)</i>	7,013	0.5
Leader, Labour Group <i>(recognising duties undertaken for and by Members of that Group)</i>	7,013	0.5
Leader, Independent or Non Aligned Group <i>(recognising duties undertaken for and by Members of that Group)</i>	3,506	0.25

b) These allowances will be paid automatically to designated members in twelve monthly instalments;



- c) In addition, a Special Responsibility Allowance of £50 per meeting shall be payable for attendance by members at meetings of Stage III Review Panels convened under the Social Services Complaints Procedure;
- d) Excepting c) above, an individual member may not claim more than one Special Responsibility Allowance at any time and unless otherwise notified only the higher Allowance will be payable.

## **5. Travelling and Subsistence Rates**

- a) Those duties set out in Schedule 1 will attract payment of travelling and subsistence allowances, including travel costs for journeys between a member's home address and County Hall, in recognition of the fact that they undertake County Council work at their place of residence; provided that Members may not claim any cost of car parking incurred at County Hall or any other administrative offices of the County Council where the Council itself levies a charge for car parking. Those duties listed in Schedule 2 will be eligible for travelling allowances only.

b)

- i) Where travel within the County of Devon is in the member's own private vehicle the rates of travelling allowance payable will be equivalent to the Commercial rate laid down from time to time by Her Majesty's Revenue & Customs (HMRC), currently 45p per mile for the first 10,000 miles and 25p per mile thereafter. This also applies to electric and hybrid vehicles.

A supplement of 1p per mile for each passenger carried will also be paid.

- ii) Where a member undertakes official duties within the geographical counties listed below and travels in their own car, they may claim actual mileage in line with the above rate:

Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire and the area of the former Avon County Council

- c) When the performance of an approved duty involves an absence (not involving an overnight absence from the normal place of residence) a member may also claim subsistence in line with the following rates, but for out of County events only.

An absence of more than 4 but less than 8 hours	£10.16
An absence of more than 8 but less than 12 hours	£16.27
An absence of more than 12 hours	£20.34

- d) For absence overnight (from usual place of residence) — £81.06 £153.00 in London (PWC)). Where accommodation cannot be found within these price parameters, the Council can adopt a more flexible approach but obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services.
- e) Subject to (b) above, where travel is outside the County of Devon standard class rail fare or ordinary fare for other public conveyance only will be payable. Where it is impractical for members to travel by public transport they may travel by car and claim mileage.
- f) The rate for travel within the County of Devon, including the areas of Plymouth and Torbay, by a Member's own motor cycle will be 24 pence per mile, irrespective of the engine capacity of the motor cycle.
- g) An allowance of 20 pence per mile shall be payable to those members using pedal cycles to undertake official duties.
- h) The rates of allowance at paragraphs 3 and 4 above shall be increased only with the express approval of the County Council having regard to any increase in line with NJC Pay Awards. The rates at sub-paragraphs [5] (c), (f) and (g) above shall be increased automatically in line with NJC Pay Awards.

## 6. Carer's Allowance

- a) When a carer has been engaged to enable a Member to carry out an approved duty listed in Schedule 1 or those bodies listed in Schedule 3 where such bodies are unable to pay Carer's Allowance:
- i) where charges are levied on an hourly basis, Members may claim actual and necessary costs incurred for the period of the approved duty (including time traveling time taken by a Member to 'drop-off' or 'pick-up' a dependent or by a carer engaged by a member to look after a dependant in the member's home) up to the maximum of the UK Real Living Wage rate currently £9.90 per hour (as may be amended from time to time) for each dependent, or;
  - ii) where charges are levied by a provider for a fixed period or session, Members may claim the cost of any such fixed period/session or periods/sessions incurred for the period of

the approved duty (including time traveling time taken by a Member to 'drop-off' or 'pick-up' a dependent) up to the maximum of the UK Real Living Wage rate currently £9.90 per hour (as may be amended from time to time), for each dependent;

- b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;
- c) An allowance will be payable if the dependent being cared for:
  - i) is a child under the age of 14; or
  - ii) is an elderly person; or
  - iii) has a recognised physical or mental disability who is the responsibility of the Member and should not be left unsupervised.

## **7. Co-optee's Allowance**

An allowance of £500 per annum shall be paid to co-opted Members of the Standards Committee and the Independent Member of the Devon Pension Board.

## **8. Part-Year Entitlements**

This scheme incorporates the provisions in the 1991 Regulations or any superseding rules which provide for the apportionment of an allowance when a member serves for less than a whole year either as a councillor or in a capacity of special responsibility or when the Scheme is amended during a year. Essentially, all adjustments to payments are done pro-rata to the number of days in year.

## **9. Claims**

- a) All claims for allowances under this scheme shall be made on electronically via iTrent supported by receipts as appropriate. A separate claim must be submitted for each month by the following dates - <https://inside.devon.gov.uk/task/payroll-deadlines/> if payment is to be made by the due date. Claims which are submitted late may need special Council approval before payment.
- b) All claims should be made via the iTrent system regularly each month - <https://inside.devon.gov.uk/task/itrent-self-service/access-itrent/>.

## **10. Payments**

- a) Payments shall be made on the last working day of each month and shall include, subject to sub-paragraph (b), one-twelfth of the amounts specified in this scheme for any basic or special responsibility allowances to which a member may be entitled.

- b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic or special responsibility allowance would result in the member receiving more than the amount to which, by virtue of paragraph 8, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.
- c) Payments will normally be made direct into a bank account. Appropriate details should be given to the Council's Democratic Services & Scrutiny Secretariat.

**SCHEDULE 1 - APPROVED DUTIES, CONFERENCES OR MEETINGS QUALIFYING FOR THE PAYMENT OF TRAVELLING AND SUBSISTENCE ALLOWANCES**

1. Approved Conferences/Delegates, viz:

Local Government Association Annual Conference	Representatives appointed by the County Council to the LGA General Assembly
National Children’s and Adults Services Conference <i>[NB: This replaces the former separate LGA Education and Social Services Annual Conferences]</i>	Cabinet Members for Children’s Services and Schools; Adult Social Care and Health Services and the Chair of the Children’s Scrutiny Committee and Health & Adult Care Scrutiny Committee
County Councils Network Annual Conference	Representatives appointed by the County Council to the CCN Council

**NOTES:**

Attendance by the delegates (or a substitute nominated by the identified member or office holder) listed at any of the above 'approved' conferences shown is automatically approved for the payment of allowances.

Any variation thereto will require the approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate, in accordance with framework outlined in Procedures [Minute 33](#) (5/6/18)

Attendance at any other conference(s) will require the specific approval of the Leader of the Council with a presumption that attendance will not be permitted unless a case is made.

In determining whether or not a case has been made for a specific approval or to Conferences being added to the approved list consideration will be given to:

the views of the relevant Cabinet Member and Chief Officer on the desirability/relevance of attendance at the event;

the significance of the event;

all party representation being appropriate; or

representation rotating between groups on an annual basis;

attendance being authorised but with a 'lesser' category of allowances payable (e.g. travelling & subsistence only).

Conference fees, accommodation and allowances are all payable by claim to the Chief Executive. In most cases however the booking and payment of the fee and for accommodation will normally be made direct by the Council's Democratic Services & Scrutiny Secretariat.

2. LGA Policy Boards – In line with the [report considered by the Procedures Committee](#) and the review in 2021 - [Procedures Committee - 16th November, 2021](#) in relation to LGA Policy Boards, Members are expected to seek approval before they accept the appointment as to whether the Council will pay for the travel expenses for the meetings of the Board. This would be via approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council. Members would be expected to make a case, outline the expected costs and frequency and also demonstrate the benefits to the Council.
3. Meetings of the County Council, Cabinet, Committees, Joint Committees, Fora, Working Parties and Panels properly constituted by the County Council under Standing Orders where the Councillor
  - (a) has been appointed by the Council as a member, a substitute or a representative; or
  - (b) is exercising a constitutional right to attend and/or to speak; or
  - (c) is attending as Local Member relating to a matter on the agenda.(a claim cannot be made for attendance in an observer capacity only)
4. Ad hoc formally constituted working groups/panels/task and finish groups, convened by the Council, where the Councillor is (a) a named member of the body or (b) is formally invited to attend and/or participate.
5. Formal meetings convened by other authorities where the member has been appointed as the Council's representative.
6. Duties necessarily undertaken by the Chair of the Cabinet, Cabinet Members or Chairs, Vice-Chairs of Committees or Working Parties/Panels.
7. Meetings of those National, Regional and County-wide bodies to which representatives have been appointed by the County Council, except where the body itself pays allowances.

8. Seminars, briefings or training events arranged for the benefit of Members of the Council.
9. Attendance at a community event where the Local Member is invited by virtue of contribution of Locality Budget Funding.
10. Meetings of the following bodies:
  - AONB Advisory Committees
  - Dame Hannah Rogers School (Ivybridge)
  - Devon School & Local Admissions Fora
  - Governing Bodies of Maintained Special Schools
  - Grand Western Canal Advisory Committee
  - Inshore Fisheries & Conservation Authority
  - National Association of Standing Advisory Council on Religious Education
  - Northbrook Community Trust
  - Royal School for the Deaf (non county councillors only)
  - St Loyes College Council
  - Standing Advisory Conference on Religious Education
  - School Admission Appeals Committees (non-county councillors only) and Independent Remuneration Panels
  - West of England School for Children with Little or No Sight
11. Single member duties:
 

in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise inspection of premises;

in connection with arrangements for the attendance of pupil at a school approved for the purpose of section 188 (Special Schools) of the 1993 Education Act.
12. An annual visit by the County Councillor for the Bideford South and Hartland Electoral Division to the Island of Lundy to visit his constituents, subject to prior agreement with the Council's Democratic Services & Scrutiny Secretariat.

## **SCHEDULE 2 - OTHER BODIES: TRAVELLING ALLOWANCES ONLY**

1. Members attending and participating in site visits or other meetings properly convened by or with the knowledge of the Chief Executive, for example, site visits for development management and / or scrutiny task group investigation work.

2. Any Civic or Ceremonial event at the invitation of the Chair of the Council or the Chief Executive (e.g official openings of Council premises, launches of Council services, road schemes etc.
3. Meetings of Town or Parish Councils in the electoral division of the Member concerned

### **SCHEDULE 3 - OTHER BODIES: WHERE PAYMENT IS MET BY THE BODY ITSELF**

- Dartmoor National Park Authority
- Somerset & Devon Fire Authority
- Exmoor National Park Authority
- Regional Flood and Coastal Committees
- Traffic Commissioners
- War Pensions Committees
- Governing Bodies of Schools

If any member requires advice on the application of any part of the members' allowances scheme, Karen Strahan (01392 382264) in the Democratic Services & Scrutiny Secretariat will be pleased to advise and help on eligibility or interpretation of the scheme and the Finance Section (01392 382982) on claims procedure or payments.

### **GENERAL NOTES**

#### **1. Dual Membership: Claiming**

A Member who is both a County Councillor and a District Councillor may claim allowances from both authorities should they undertake two separate duties — one for each authority — on the same day. The same position would apply to any member who also serves on any other body from which allowances may be claimed direct such as a National Park Authority.

A Member who is both a County and District Councillor may not however claim from both Councils for undertaking the same duty. Members must take particular care to avoid duplication or overlap of claims for travelling and subsistence expenses when, as may happen, they attend two separate events on the same day one as a County Councillor and one as District Councillor both of which take place at the same venue. Claims for the full return journey should not be made to both Councils. To avoid the impression that a Member may be seeking to maximise income in such instances it is suggested that Members should either claim the cost of the whole journey from the Council paying the lesser rate(s) or claim



for one single journey (from home to meeting) from one Council and the other single journey (from meeting to home) from the other Council.

Similarly, where a Member attends a meeting of the County Council or one of its Committees and then later that day attends a meeting of, say, an outside body to which they have been appointed as a County Council representative care should be taken in submitting any subsequent claims. In some instances allowances for attending meetings of an outside body will be paid by the County Council whilst in others allowances will be paid by the body concerned. The same principles as set out above should be adopted where meetings take place at the same venue. Where allowances are paid by the County Council (a full list of which is set out elsewhere in these Notes of Guidance) only one allowance will be payable in any twenty four hour period and (if both meetings taking place in the same location) then the member concerned may only claim for one return journey.

Claims for allowances, particularly those involving travelling and subsistence, should reflect the span of time of meetings and journey times regardless of when the journey is actually made. In other words a member should not claim allowances during any period before or after an official duty where they have chosen to arrive earlier or leave later, unless travelling by public transport. If a Member is in any doubt about entitlement they are urged to seek advice from the Council's Democratic Services & Scrutiny Secretariat before submitting a claim.

## **2. Rail Travel**

Members who are eligible to hold a senior citizens rail card can purchase them and be reimbursed by the County Council through the normal expenses' claim mechanism. The Council has decided that rail travel for Members shall be provided at standard class rates. Members are only therefore able to claim second class rail fare or if travelling by car, the equivalent amount.

## **3. Taxation**

### **Basic and Special Responsibility Allowances**

Members Basic and SRAs will be treated as emoluments of the office and subject to Tax and National Insurance contributions (NIC) by the PAYE process operated by the Council

## **Mileage Allowances**

These are taxed according to the profit element, which is calculated by comparing the amounts paid per mile with the Inland Revenue's Authorised Mileage Rates, which are reviewed annually. Amounts paid in excess of these figures will be included on the annual return of expenses and benefits to the Inland Revenue on form P11D. Any assessable tax will be recovered by adjustment to the Members' tax code in the following year. NIC deductions are made during the course of the year through the Payroll in the month in which the payments are made. Any mileage paid for travel from a Members external employer or site where the Member has not attended on DCC official business will be taxable and subject to NIC. This excludes travel for home to County Hall as for this purpose these journeys are deemed to be between bases within the employment.

## **Other Expenses**

In addition to the above payments, Members may be entitled to claim other expenses incurred in accordance with the Council's policy for the reimbursement of expenses. These will be claimed through the appropriate channels and will be subject to Income Tax and NIC in accordance with tax law. Deductions from payments should occur at the time the payment is made.

Charges for car parking incurred at County Hall or any other administrative offices of the County Council (where the Council itself levies any such charges) will be deducted from their monthly allowances/expenses payments, calculated in line with the agreed scale of charges as may be amended from time to time.

## **Other Benefits**

Members may be permitted to make use of the Council's assets for incidental personal use or benefit from facilities which give rise to a taxable benefit. Where this occurs, Members, via the Council's Democratic Services & Scrutiny Secretariat, will be required to declare benefits of this nature for inclusion the annual P11D return to the Inland Revenue.

#### **4. Dispensations**

The Council has agreed with the Inland Revenue that in certain instances payments of expenses and benefits should not give rise to a Tax or NIC liability as there is no profit element involved. Details of these dispensations or any further advice on Allowances, Tax and Social Security Benefits can be obtained from Devon Finance Services.

The Basic Allowance payable to members is intended to recognise and offset a proportion of the routine costs of correspondence and telephone calls. However, historically, Members have also been offered the loan of County Council ICT equipment when elected. That remains the Councils property and is not a disbursement, allowance or form of reimbursement of expenses. No alternative, monetary or financial provision is made for any Member who declines the loan of such equipment. It is not a universal offer (i.e the same equipment provided to all members) and the Independent Allowances Remuneration Panel has consistently taken the view that this is an operational matter and falls outside the scope of the Allowances Scheme. Full details of equipment lent to Members are kept and are available for inspection.

5. Any reference to 'Chair of a Committee' shall be taken to include the Chair of the Cabinet.



## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

20 January 2023

### Present:-

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

### Apologies:-

Councillors P Crabb

Members attending in accordance with Standing Order 25

\* 84

### Minutes

**RESOLVED** that the Minutes of the meeting held on 22 November 2022 be signed as a correct record.

\* 85

### Items Requiring Urgent Attention

No item was raised as a matter of urgency.

\* 86

### Public Participation

There were no oral representations from members of the public.

\* 87

### South Western Ambulance Service NHS Foundation Trust (SWAST): 6 Month Update on Spotlight Review Recommendations from June 2022

The Committee considered a report of the County Commander for North and East Devon of the South Western Ambulance Service Foundation Trust.

The Report provided an update on the progress towards the recommendations made by this Committee's Spotlight Review into South Western Ambulance Service Trust in June 2022. A series of recommendations had been made to the health care system in recognition of the overlap on many of the recommendations between Devon County Council, NHS Devon and South Western Ambulance Service NHS Foundation Trust (SWAST). The recommendations had been directed to relevant lead organisations, but it was for the system as a whole to ensure these were effectively implemented.

The progress against the recommendation were detailed in the Report with an overview of the current system pressures and mitigations in place where the

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system was unable to progress on actions due to pressures locally, regionally and nationally.

Members' questions and discussion points with the SWAST Executive Director of Operations and the County Commander and the NHS Devon Director of Delivery covered:

- Overtime and putting extra stress on staff. This was being addressed by using private resources which helped to cover the gaps.
- Rapid assessment model for triage which had been adopted in Exeter and North Devon hospitals but not in Plymouth. Derriford Hospital would soon have a rapid assessment centre which would enable them to run a similar model to the Royal Devon and Exeter Hospital. Completed works for this was due by the end of January. In the meantime, a triage system was being used by senior nurses.
- Extra hours undertaken by staff through shift overruns which happened when there were handover delays.
- An incredibly challenged period recently, in December a critical incident was called due to the pressures on the service. However, there had been a marked improvement in the last two weeks. Activity in December was 22,000 incidents a week and last year it was about 18 to 19,000. In the last couple of weeks this has dropped to between 15,000 and 17,000 incidents. The handover delays had significantly improved and response times were much better.
- Minor Injury Units (MIUs) plans. SWAST looked after the Urgent Care centre in Tiverton. A review was being commissioned to establish equity in the system and understand what the current offer was and what improvements could be made in the short term. The findings of this could be brought back to a future meeting.
- Problems were experienced when there was an inconsistency of service from MIUs and pathways across the system. In rural communities there was a benefit to having an MIU where people could be treated instead of needing the service of a paramedic. The Urgent Care centre in Tiverton was the highest level of offering with a multi skilled workforce and offered a far greater scope including x rays.
- Improvements in service was felt to be multifactorial – a combination of lower activity volumes and lower handover delays and improved resourcing levels from SWAST. Patient flows were improving. It was important that discharge levels were maintained.
- The current position remained fragile due to entering a period of industrial action which may or may not be prolonged and operational challenges could come into a system quickly.
- A request had been made for information with descriptions of all the minor injury units and urgent care centres in the County to be sent to the Committee and for confirmation and a date for the re-opening of the Dawlish MIU.
- Internal processing changes had helped release beds; a significant factor in delays had been staff sickness which had a huge impact on

the service. In December there had been 800 staff sick across 3 acute trusts which had caused massive delays, but this had now rescinded.

- The robustness of ICT systems. SWAST had many systems such as triage platform and mobile terminals in the vehicles and there was an infrastructure which supported that. The service relied on this heavily and those systems was continually being monitored to ensure they were modernised and remained fit for purpose.
- Future staffing requirements were looked at by the Strategic Resourcing Group which had multi-disciplinary members on it and took a long-term approach for both clinical and non-clinical staff. It was felt SWAST were in a good position with this going forwards.
- Driving improvements in the system around the process for emergency care. A national team has been in to support this which would be fed into an improvement plan for all 3 trusts.
- Lack of building space at Derriford had created some of the performance problems. There were plans to help improve the situation, but it was recognised as being a very constrained site.
- The importance of patients being assessed so that the most suitable care response can be made for all including those with mental health needs.

The Chair thanked SWAST and NHS Devon officers for their time and responses and highlighted the importance of this area and that the Committee would be keen to have a report about the NHS 111 service in due course now that there was a new operator in place and the impact on SWAST and the hospitals.

RESOLVED that the Report and information presented be noted.

\* 88

**Assurance of Local Authority delivery of its duties defined by Part One of the Care Act (2014) by the Care Quality Commission and its contribution to Improving Services and outcomes for People in receipt of Adult Social Care**

The Committee considered the Report of the Chief Officer for Integrated Adult Social Care for Devon County Council (ACH/23/156) on the requirements placed on Integrated Adult Social Care through the CQC assurance framework and support for the Service in its preparedness. The Report highlighted the role of Members in this process and how they remained briefed and appropriately involved.

Members' discussion points and comments with the Director of Integrated Adult Social Care; and Head of Adult Care Operations and Health, included:

- The importance of the review was stressed and the external judgment on Devon's Adult Social Care services was welcomed.

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- The implementation would start from April, although there could be a delay as recruitment was underway for inspectors with more recent experience of adult social care.
- The process was likely to start with a self-assessment process and officers were busy working on this. It would be similar to an OFSTED inspection.
- Joint work was being undertaken with the Local Government Association, Directors of Adults Social Care, and the Department of Health and Social Care working with the Care Quality Commission (CQC).
- Officers in Devon were being involved in developing the new framework for the CQC, which would be broad and look at how the authority implements its Care Act duties.
- Local authorities had a duty around market sufficiency and performance with external providers would be examined.
- The Council had duties around prevention and wellbeing and also had responsibilities around integration with health and social care and safeguarding.
- The new framework had four themes of working with people, providing support, ensuring safety, and leadership and workforce, and evidence for these would need to be provided.
- Members and officers needed to be aware of both the strengths and weaknesses in the service so they would be able to demonstrate this to the inspectors
- It was difficult to predict what the CQC might ask but it would likely be determined by risk. There could be a specific focus on financial sustainability or on criteria to reside (previously called delayed transfers of care).
- There was a good understanding of services that worked well and areas that needed improvements for better outcomes for people and action was being taken to do this.
- Members were encouraged to visit local adult social care teams and talk to staff and ask questions and find out about the experiences of people who receive adult social care
- Information about what would be presented to the CQC when they visited was being brought together in a document and it was agreed this would be shared with the Committee
- The importance of the role of the Scrutiny Committee in holding the service to account to help the Council get to a position where it was assured that services were delivering.
- Reassurance was given that the self-assessment work would be a living document which would be updated

Due to the importance of this item, it was agreed that this should be regularly reported to the Committee. This would be scheduled on the forward work programme.

**RESOLVED:**



- (a) that the Committee
1. recognise the requirements placed on Integrated Adult Social Care through the CQC assurance framework, and supports the service in its preparedness; and
- (b) that the Health and Adult Care Scrutiny Committee be supported in its role regarding assurance of local authority delivery of its duties defined by part one of the Care Act (2014) by:
- i. Being offered further Masterclasses on this and related topics by request.
  - ii. Being offered succinct briefing notes on related matters such as the Care Quality Commission Assurance Framework, Care Act (2014) duties, Annual Report summary, Vision/Strategies summary.
  - iii. Being offered group or individual briefing sessions ahead of any inspection visit by the Care Quality Commission.

\* 89

## **Annual Report for Adult Social Care for 2022**

The Committee received the Report of the Chief Officer for Integrated Adult Social Care (ACH/23/157) on the draft Annual Report (or 'Local Account') (full draft Report attached) of the adult social care functions of the Council which covered: the national picture, the role of the Annual Report in reform and regulation, Devon as a place and its population, key facts about adult social care in Devon, listening to what people tell us, the pandemic in adult social care in Devon; the adult social care workforce, Performance and outcomes, safeguarding and perceptions of safety, provider quality and market sufficiency, Devon's care management services; activity, cost and spend; achievements and awards of note; and the change programme, audit and risk management. The covering Report outlined the headlines of the Annual Report.

Members' comments and discussion points and with the Director of Integrated Adult Social Care; and Head of Adult Care Operations and Health, and the Chief Executive (Mid Devon District Council, Lead, Devon Housing Task Force), included:

- The Report was positive and highlighted good performance and successes such as the vaccination rates, staff awards and satisfaction ratings for service users.
- Recognition of the ongoing work around market sufficiency, meeting the needs for personal care, and helping people regain their independence, and challenges such as demand pressures including staffing capacities.

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- Reminder of the public health data available to Members which included division specific information ([JSNA headline tool - Devon Health and Wellbeing](#)).
- Comparable data on death rates showing recent and pre-pandemic figures was requested. This would be circulated to the Committee.
- Service user complaints and how the authority compared to others. The service received a small number of complaints which were analysed to understand if changes needed to be made. Many of these were around operation delivery and time taken to respond and also having greater choice in care.
- Learning from compliments as well as complaints received. A link to the reports on feedback would be shared with the Committee.
- Funding for Adult Social Care and whether this could be supported through new building developments. Housing was a key priority both for vulnerable people and low paid staff working in the care and health sectors. Planning officers liaised with local councils on these issues.
- Methods were in place to recognise good performance and praise staff such as through Yammer, newsletters, as well as thanking in person. It was felt more could be done on this and the Council could learn from other organisations. The need for improved joined up working with district councils

Officers were thanked for the Annual Report, the contents of which had been noted.

## \* 90 **Community Pharmacy Spotlight Review**

The Committee considered the Report of the Spotlight Review held on 28 September 2022 on a review of community pharmacy services across the County, their value in reducing pressures across the health and social care and the role of the Health and Wellbeing Board and NHS England as the commissioner; and issues faced by local Members in helping ensure proper provision with new and expanding residential growth points in the County. The Review arose, in part, as a result of significant disruption to service levels in several communities over the summer period.

The Report included a series of recommendations for the Health System in Devon with a report back to the Committee on progress within 6 months:

1. That a new Devon communication strategy and campaign is developed to improve public awareness and perception of community pharmacy, which signposts the appropriate pathway in terms of accessing community pharmacy, GP and acute care.
2. That commissioners work with the Practice Plus Group to improve both the level and the appropriateness of NHS 111 referrals to community pharmacy.

3. That all organisations work together to promote the establishment of a pharmacy school in the County to ensure that Devon and the far South West develops its own pharmacists and pharmacy technicians.
4. That long term investment is needed in training and progression opportunities for community pharmacy and across all areas of health and social care. That this includes use of bursaries, work experience and the delivery of regular health and social care careers days, which include a specific focus on community pharmacy.
5. That work is undertaken with NHS England and NHS Improvement to develop the NHS App to introduce notifications including SMS texts when a prescription is ready to be collected. Other alternative technologies should be encouraged to provide multi-choice IT interface routes for ordering repeat prescriptions. That those not using IT still have access to a paper based repeat prescription.

Members' discussion points and comments with the Head of Stakeholder Engagement, Direct Commissioning, NHS England South West included:

- Adaptions that were due to be made to the NHS app including the repeat prescription facility. This work was being undertaken via a working group of Integrated Care Board partners, GPs and members of the public.
- There was support for the recommendations in the Report and issues of lack of housing, workforce problems, promoting and marketing Devon to attract good quality staff and linking with other service areas to do this effectively were raised.
- Improvements in service were now being seen in community pharmacies and it was hoped these continue.

RESOLVED

(a) that the recommendations contained within the Report of the Spotlight Review be endorsed and commended to the Cabinet; and,

(b) that the Report also be shared with the Integrated Care Board.

\* 91

## **Replacement Day Care Service**

The Committee considered the Report which followed a series of visits by Members to day care services to gain a better understanding on how these were working and key issues affecting services from a frontline perspective. An impact assessment had been undertaken in June 2022 on reviewing the potential cessation of providing buildings-based day services.

Across the County the demand for DCC in-house, long-term buildings-based day services had reduced. This was the direction of travel for these services before the pandemic and the pandemic has accelerated these changes as

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people made and continued to make alternative choices in how they wanted to live their lives. In some circumstances the reduction in people attending was so low that it could be seen as further isolating individuals rather than providing a social experience for them. Work had been ongoing to develop individuals' skills and promote their independence, both with existing service users and as part of the preparation for adulthood work with younger people, which has also reduced the need for such buildings-based provision. This had been achieved on an individual basis by taking into account what was important to the individual and their families. Likewise, where there had been identified need for support to prevent carer breakdown in the form of replacement care, this had been sourced from across the wider market for adult social care as a long-term alternative solution.

As part of the site visits to the day centres, Members had spoken with parents, carers and staff covering several issues including reducing demand, facilities on offer, utilisation of buildings, isolation of individuals and lack of activities.

The Report also covered the work of the Reaching for Independence Service, employment opportunities, infrastructure, supported living and smart technology and included case studies.

Members' discussion points and comments with Officers included:

- Informative conversations had taken place with carers about the day centre provision available.
- Concern about the lack of people attending some of the settings
- Recognition of a distinction between the views of the parents of best care and what might be in the best interests of the adult receiving the service.
- It was essential to find the right solution for those adults whom the Reaching for Independence service was not appropriate.
- Supporting adults with disabilities to engage and take part in the community.
- Ensuring proposals met individual needs and demands and best value
- Enabling friendships to continue in the event of changes to provision.
- Praise was expressed for the care given by staff in day centres
- The need to provide bespoke facilities in the community and utilise buildings and expand the use of them.

## **RESOLVED**

- a) that Cabinet receive and consider the Report, and as Adult Social Care transformation takes place, ensure that opportunities in the community are maximised to support people's independence and enable them to do the things that matter to them; and
- b) that the learning from the visits be shared to inform the Committees future work programme.

\* 92 **Health and Care General Update**

The Committee considered the Joint report from the Council and NHS Devon (ACH/23/158) on the latest news from the Devon Health and Care system. This included celebrating local success and achievements, early success for social care recruitment partnership, two Devon projects commended in the Health Service Journal Awards, helping young people with disabilities into jobs, ICS update, the Joy social prescribing platform, leaders across the ICSD contributed to national report on county council involvement in integrated Care Systems, a successful joint bid to the Supported Housing Improvement Programme, an update on progress towards the new health and wellbeing centre in Teignmouth; an Integrated Urgent Care Services – performance update; and dates set for the Dartmouth Health and Wellbeing Centre.

The Chair and Members commended and congratulated the health and social care staff and their colleagues for the success and achievements as detailed in the Report and thanked Officers for the Report.

\* 93 **Scrutiny Committee Work Programme**

The Committee noted the current Work Programme subject to inclusion of topics which arose from the meeting. This included: (a) a regular report on the assurance process and (b) an update on the work undertaken at the Nightingale hospital.

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

\* 94 **Information Previously Circulated**

The Committee noted information previously circulated for Members, since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee, as follows:

(a) System Pressures and Industrial Action: NHS Devon Briefing.

(b) Masterclass information relating to: ASC Framework; and Peninsula Acute Sustainability.

(c) Risk Registers for the respective Scrutiny Committees.

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

The Meeting started at 2.15 pm and finished at 4.30 pm



## CHILDREN'S SCRUTINY COMMITTEE

26 January 2023

### Present:

Councillors R Hannaford (Chair), P Sanders, S Aves, J Bradford, P Bullivant, C Channon, G Gribble, L Hellyer, F Letch MBE, L Samuel, M Squires and J Wilton-Love

Councillor J Bradford (remote)

### Apologies:

Councillors J Brazil and J Hawkins and Ms C Platt

### Members attending in accordance with Standing Order 25

Councillor A Leadbetter

\* 73

### **Minutes**

**RESOLVED** that the Minutes of the meeting held on 15 November 2022 be signed as a correct record.

\* 74

### **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* 75

### **Announcements**

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

\* 76

### **Public Participation**

There were no oral representations from members of the public.

\* 77

### **Scrutiny Committee Work Programme**

The Committee were updated as to the Work Programme.

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## \* 78 Children's Social Care Performance

The Committee received the Report of the Director of Children and Young people's Futures which provided a performance update on Children's Social Care.

The Report outlined the following key points:-

- Referral rates had increased across the country in September after the return to school, with Devon (484 per 10,000) now being below the national average (465), but higher than statistical neighbours.
- Assessment performance had continued to improve to 90% in October, which was higher than both the national and statistical neighbours.
- Child protection plans had increased, but was in line with national and statistical neighbours.
- Children in care numbers was increasing, largely due to the significant number of unaccompanied asylum seeking children, now currently standing at 48, compared to 10 in October 2021, but still lower than the national average and statistical neighbours.
- The percentage of agency social workers had increased in October to 37.9%, and the average caseload had now reduced to 17, compared to 23 in March 2022.

Members' questions and discussion points with Officers, included:

- All assessments were now under the one head of service, which was hoped would provide better oversight and outcomes. A review of Early Help was also being undertaken looking particularly at transition between services and to understand how children could be helped earlier.
- As to assessments within 45 days, this was a national measure, and it was expected that children would be seen within 4-6 days, some on the same day. There was still work to do on the quality of assessments with the multi-agencies involved. Feedback on performance was closely monitored. The Committee acknowledged the significant improvement.
- The dashboard showed there were five children in care under 16s in unregistered accommodation and it was questioned the number for the older age range of 17-18. Officers would revert post-meeting.
- The ambition of the recruitment and retention strategy was to reduce the numbers of agency/consultancy staff by converting them to permanent staff. Members agreed it would be useful to see a trajectory of the reductions and Officers agreed to provide this at a later date.
- Officers agreed to send a briefing note to Members post-meeting on assurance of where our children and young people were accommodated; how children were safeguarded in unsuitable accommodation; and the report submitted to the Department for Education on the national review, to assure Members further, following the Doncaster case.



- Children's Services were working with the Communities team to ensure that support platforms were in place for unaccompanied asylum-seeking children (UASC), particularly for females, if required.

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

**RESOLVED** that the Committee:

- (a) Welcomes the sustained improvement within the report, for example, assessment timeliness within 45 days.
- (b) Raises concerns about 25% of care leavers in unsuitable accommodation, but welcomes further information on this.
- (c) Asks the Cabinet Member to work with Officers to set out what targets for recruitment, retention and agency rates the Service should look to achieve in 12 months' time so that progress can be checked.

\* 79 **Ofsted Monitoring Visit**

The Chief Officer for Children's Services reported that the letter from Ofsted was currently embargoed until publication on Monday, and extended her thanks to all staff for their involvement in the two-day Ofsted visit.

The letter would be fully considered at the next meeting of the Committee in March.

\* 80 **Education Annual Report**

The Committee received the Education and Learning Annual Performance report Autumn 2022, based on published data to 25 October 2022.

Particular points to note in the report included:

- That 17.5% of the Devon pupil population in state funded schools were eligible for free school meals, and Devon remained significantly lower than the national average (22.5% at Jan 2022).
- Pupils in Devon from an ethnic minority background had increased to 8.6%, which was lower than that seen nationally and regionally.
- 4.9% of pupils in Devon had an EHCP, which was significantly higher than nationally and regionally.
- In 2021/22, 2,502 children were registered as home education at some time during the year, equating to 1.98% of the school age population – an increase of almost 5% on the previous year.
- As at Jan 2022, the percentage of 2-year olds benefitting from early years funded places had increased, with Devon still performing significantly better than nationally, regionally and statistical neighbours.

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- Year 1 Phonics attainment had fallen, but Devon pupils had performed slightly better than nationally (76% compared to 75% nationally). For pupils eligible for Free School Meals, attainment had fallen, widening the gap (22% in Devon compared to 17% nationally).

Points raised during discussion with Members and Officers included:

- Concern around school attendance and the increase of those electively home educated; and also the rise in suspensions and exclusions, particularly in primary schools.
- Concern also around the overall attainment of children and disadvantaged children.
- Members supported the work to improve inclusion in Devon.
- Concern around the challenges in recruitment and retention of teachers and support staff in schools; and the need to support teachers throughout their teaching careers.
- Members requested a briefing note on the work currently taking place around Alternative Provision.
- Members supported the potential IT improvements (costing £70,000) that would ensure eligible children were automatically registered for free school meals and suggested a letter be written to Cabinet in support.
- Members' dissatisfaction with the below average level of funding for Devon's schools.

It was noted that there was a planned Scrutiny Spotlight Review on Recruitment and Retention in Children's Services.

The Committee wished to put on record their thanks to all teachers and the education community for all the work they were doing to support students.

## \* 81 **Early Help Strategy**

The Committee considered the new Early Help Strategy 2022-2026, as presented by the Head of Early Help and Partnerships, which supported the Children and Young People's Plan.

The Strategy was central to delivering the partnership ambition for children, young people and their families to achieve their potential, to thrive, to have the best start in life and be protected from harm and receive early support. The Strategy reflected feedback received across the partnership, communities and families.

The Strategy was a 'call to action' and sought to address the challenges that children, families and professionals experience when seeking early support. The Strategy identified the following three priorities:

1. Develop the culture of child friendly Devon.

2. Children and families in Devon receive the right support, in the right place at the right time.
3. Partnership knowledge and demonstrating impact for children and families.

There was an Early Help Strategic Delivery Group which was a countywide multi-agency group that was accountable to the Devon's Children and Families Partnership Executive Board. To support the Early Help Strategic Delivery Group, there were ongoing workstreams to continue developing early help practice further.

The Strategy was formally approved by the Devon Children and Families Partnership in November 2022.

Members' questions and Officer discussion included:

- Asked if the Council had a series of funded children and youth centres, the Head of Service undertook to provide a list of these post-meeting, together with further information on the early help offer support services.
- The Strategy was for all children and young people 0-19 years and up to 25 years for young people with special educational needs and disabilities, and the Head of Service would make this more explicit in the document.
- A key message for Members was that the service wanted to support children and families as early as possible without having to wait for an early help assessment to be completed prior to intervention.
- Clarity that although early help assessment targets would not be set, the number of assessments would be reported on.
- Children and families' feedback would be collected routinely throughout the intervention and not just at the end. A parent and young person's forum would also be created to give feedback on different issues.
- Performance data would be shared, to include number of early help assessments completed by month, and in relation to targeted early help services.

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

The Meeting started at 2.15 pm and finished at 4.21 pm



## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

30 January 2023

### Present:-

Councillors A Dewhirst (Chair), C Slade (Vice-Chair), M Asvachin, Y Atkinson, J Berry, J Brook, P Bullivant, R Chesterton, M Hartnell, I Roome and J Trail BEM

### Attending in Accordance with Standing Order 25

Councillor Croad (remote)

### Apologies:-

Councillors P Crabb, J Hodgson, R Radford and J Wilton-Love

\* 87

### Minutes

**RESOLVED** that the Minutes of the meeting held on 24 November 2022 be signed as a correct record.

\* 88

### Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

\* 89

### Public Participation

There were no oral representations from Members of the Public.

\* 90

### Covid Update

The Director of Public Health updated the Committee on COVID -19. He referred to:

- the 3 year anniversary today since the WHO announced that C-19 was a public health emergency;
- recorded rates nationally and locally had risen prior to Christmas and had now reduced;
- the expectation that with the coming Spring, rates may reduce, but caution should continue to be exercised as it appeared that a new omicron sub variant in the USA was more transmissible. It was present in the UK but at a low level currently;

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- the Vaccines continued to be a key tool in reducing severity and hospitalisations; and
- the JVCI was recommending an Autumn vaccine programme (2023) for vulnerable groups and again in the Spring (2024) for the more vulnerable.

Members noted that as there was no testing regime most would not be recorded or know that they had been infected.

Details were included on the County Council's live demonstration:

[Coronavirus \(COVID-19\) dashboard - Coronavirus \(COVID-19\) \(devon.gov.uk\)](https://devon.gov.uk/coronavirus)

The information related to all of Devon (including Torbay and Plymouth).

## \* 91 **Scrutiny Work Programme**

The Head of Scrutiny updated the Committee on the work programme:

- current reviews in relation to Motorhomes; Cost of Living; and replacement of the FINEST finance system were scheduled to report to the next meeting; and
- a Masterclass on the bus network was being arranged for April; and the annual refresh of the work programme would also be arranged shortly.

The Work programme was available at Scrutiny Work Programme - Democracy in Devon: [Scrutiny Work Programme - Democracy in Devon](#)

## \* 92 **Food Insecurity and Response to Household Support**

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

The Committee considered the Report of the Head of Communities (SC/23/1) Food Insecurity and Response to Household Support, a second report since the last full report on this issue in November 2021. The Council, as part of its Strategic Plan 2021-25, had highlighted the need to work in partnership to help tackle poverty and support people that were experiencing hardship.

The Report updated the Committee on progress made to date in this arena and covered a definition of 'food insecurity'; Understanding and Learning in Partnership, current quantitative and qualitative research, the Household Support Fund (HSF), community resilience (capacity and capability building) and use of locality budgets by Members; wider strategic work and The HAF (Holiday Activity & Food) Programme and the role of NHS Devon via the Integrated Care Partnership for example.

Details of these gateways and the wider support available on the Council's website: [Cost of living | Help and advice for people in Devon | Devon County Council](#)

The Council continued to work with a range of partners on the long-term opportunities to understand, learn and develop practice and approaches, alongside the equally important short-term immediate distribution of direct support from funds such as the Household Support Grant and community resilience building enablers, such as the GCF. Over the next 12 months the County Council would continue to help deliver the initiatives described in the Report in partnership with other agencies and Team Devon principles.

Members' questions and discussion points with the Head of Communities, and Communities Collaboration and Resilience Lead included:

- the need to prioritise those hard to reach groups for additional available support and the valuable work of the CAB in this area to help people maximise their benefit entitlements;
- the various groups/segments of the community in need of support including working households and on which more information would be provided for Members;
- the operation of the Growing Communities Fund on which more information was available at: [Growing Communities Fund - Communities \(devon.gov.uk\)](#)
- the operation of the Household Support Fund funded by the DWP which included direct help for children who received free school meals for food vouchers during school holidays and the efforts of Schools to identify more eligible children;
- the ways used by the DWP in identifying households in need via Council tax information for example,
- the separate provision and support for asylum seekers; and
- the view in regard to the complex systems of various forms of support available for vulnerable families; and
- arrangements for a Food Security Summit in Spring 2023 via the Devon Food Partnership to connect a range of partner organisations with an interest in Food Insecurity.

The Chair thanked the Officers for their report and responses to members questions.

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

**RESOLVED** that the convening of a Food Summit in 2023 with other agencies/partners be welcomed and that Member (s) from this Committee be invited to attend.

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\* **93**      **Treasury Management and Investment Strategy 2023/24**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/06) on a treasury strategy, setting out the strategy and plans to be followed in the coming year, as part of the budget process. The proposed Treasury Management Strategy for 2023/24 was set out at Appendix 1 of the Report.

The Treasury Management and Investment Strategy set out the minimum revenue provision (MRP) policy, capital expenditure funding, prudential indicators, the current treasury position, debt and investments; prospects for interest rates; the borrowing strategy; and the investment strategy.

The key issues for 2023/24 were set out in the Strategy Overview section and included:

- (a) Consideration of the need for prudent management of the Council's cash resources in order to support the capital strategy and meet the Council's strategic priorities.
- (b) The inclusion of external borrowing to fund the proposed South Devon Freeport development.
- (c) The pressure on the Council's cash resources and continued uncertainty around the Safety Valve in relation to Special Education Needs and Disability (SEND), which might result in a further requirement for external borrowing.
- (d) The potential for higher investment income resulting from the increased level of interest rates.

In general, the investment strategy remained broadly similar to that for 2022/23, with no changes, for example, to the approved counterparty criteria.

The Treasury Management and Investment Strategy would be considered by Cabinet along with the draft budget for 2023/24 on 10 February, and become part of the budget book to be approved by Council at its budget meeting on 16 February.

Members' discussion points with the Head of Investments included the strategy for lending (to other local authorities for example); and the current level of the SEND budget deficit and future uncertainties in this area.

Members commended the continued prudent approach inherent in the updated Strategy, as recommended by the Officers.



It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor A Dewhirst and

**RESOLVED** that the Treasury Management and Investment Strategy as updated be commended to the Cabinet.

\* 94 **Report of the Standing Overview Group: Farming/Waste Management**

The Committee received and noted the Report of the Committee's Climate Change Standing Overview Group meeting of 25 October 2022

The Report outlined the topics covered at the meeting of 25 October 2022, which covered the Socioeconomic impacts of climate change on the farming sector; and the carbon impact of Waste Management. The report highlighted the key points raised during discussion and detailed the agreed actions.

\* 95 **Information Previously Circulated**

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

(a) Information following a Masterclass on Active Travel;

(b) Risk Registers for the respective Scrutiny Committees.

(c) Highways Performance Dashboard – Briefing Note

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

The Meeting started at 2.15 pm and finished at 3.44 pm

