

County Council
Thursday 5th December 2024



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

27 November 2024

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 5th December, 2024 at 2.15 pm.

A handwritten signature in dark ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke.

Chief Executive

[The Chair's Guest Speaker works in the Council's Customer Relations team, and is speaking as a care experienced young person working for the Council at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members of the Council will declare any interests they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

The other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.

For details of District and or Town and Parish Twin Hatters – please see here [County councillors who are also district, borough, city, parish or town councillors](#)

3. Minutes

To approve as a correct record and sign the minutes of the meeting held on 5 September 2024, previously circulated.

4. **Announcements**

5. **Important Announcements from the Leader and Cabinet Members**

In line with the Cabinet Procedure Rules, the Leader and/or Cabinet Members may update the Council with any important updates or announcements that cannot reasonably wait.

Members may ask a brief question directly related to any verbal announcement made.

6. **Items Requiring Urgent Attention**

7. **Devon and Torbay Combined County Authority (DTCCA) - Appointments**
(Pages 1 - 6)

Report of the Director of Legal and Democratic Services (LDS/24/49) outlining the appointment processes of Members to the Devon and Torbay Combined County Authority (DTCCA), attached.

Electoral Divisions(s): All Divisions

8. **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.

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

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

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

OTHER MATTERS

11. **Terms of Reference for Team Devon Joint Committee** (Pages 7 - 18)

Report of the Director of Legal and Democratic Services & Director of Performance and Partnerships (LDS/24/50) regarding the appointment of the Team Devon Joint Committee, attached.

Electoral Divisions(s): All Divisions

12. Cabinet Member Reports

To consider reports from Cabinet Members from the following portfolios.

- (a) Economic Recovery and Skills (Pages 19 - 22)
- (b) Children's SEND Improvement Services (Pages 23 - 28)
- (c) Integrated Adult Social Care & Health (Pages 29 - 34)
- (d)

13. Councillor Complaints Process (Pages 35 - 76)

The Council is asked to receive and approve the proposed new process for dealing with Councillor Complaints (the Report of the Director of Legal and Democratic Services (LDS/24/27)), as recommended by the Standards Committee (14 October 2024) (Minute 59 refers and replicated below). The Report considered by the Committee is attached.

RESOLVED that the Committee endorses the revised Member Complaints Process, based on the Local Government Association Model process, for recommendation to the Council, prior to publication to the Council's website.

Electoral Divisions(s): All Divisions

BREAK

14. Minutes

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

- (a) School Transport Appeals Committee - 2 September 2024 (Pages 77 - 80)
- (b) School Transport Appeals Committee - 7 October 2024 (Pages 81 - 84)
- (c) School Transport Appeals Committee - 24 October 2024 (Pages 85 - 86)
- (d) School Transport Appeals Committee - 26 November 2024

The minutes of this meeting will be published here shortly.

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=160&MId=5029&Ver=4>

- (e) Procedures Committee - 19 September 2024 (Pages 87 - 88)
- (f) Procedures Committee - 18 November 2024 (Pages 89 - 94)

The Council is asked to approve Minute 79 relating to the adoption of a protocol (attached) to support site visits for the Land and Property Committee, as endorsed by that Committee and also the Procedures Committee.

- (g) Investment and Pension Fund Committee - 13 September 2024 (Pages 95 - 102)
- (h) Investment and Pension Fund Committee - 2 December 2024

The minutes of this meeting will be published here shortly - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=187&MId=5028&Ver=4>.

- (i) Audit Committee - 30 September 2024 (Pages 103 - 108)
- (j) Standards Committee - 14 October 2024 (Pages 109 - 116)
- (k) Development Management Committee - 23 October 2024 (Pages 117 - 122)
- (l) Appointments, Remuneration and Chief Officer Conduct Committee - 7 November 2024 (Pages 123 - 124)
- (m) Public Rights of Way Committee - 14 November 2024

The minutes for this meeting will be published here shortly - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=171&MId=5023&Ver=4>.

- (n) Children's Scrutiny Committee - 16 September 2024 (Pages 125 - 132)
- (o) Children's Scrutiny Committee - 11 November 2024

The minutes of this meeting will be published here shortly - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=428&MId=5017&Ver=4>.

- (p) Health and Adult Care Scrutiny Committee - 23 September 2024 (Pages 133 - 142)
- (q) Health and Adult Care Scrutiny Committee - 21 November 2024 (Pages 143 - 150)
- (r) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 25 September 2024 (Pages 151 - 156)
- (s) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 28 November 2024

The minutes for this meeting will be published here shortly - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=427&MId=5027&Ver=4>

NOTICES OF MOTION

15. Divestment from Pension Scheme (Minute 313 of 5 September 2024)

To receive and consider the recommendations of the Investment and Pension Fund Committee to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely;

Further to withdrawing over £2 million in investments from companies selling arms to Israel. Devon County Council now commits to investigating withdrawing the £84 million that remains invested through its investments

and pension funds in such companies, including Rolls Royce (£1,951,241), Barclays Bank (£12,889,533), BAE Systems (£4,969,449), and Babcock (£360,850).

Devon County Council seeks immediate withdrawal of these investments, particularly in light of the tragic loss of over 20,000 children in Gaza. Our pension fund should not support activities contributing to such atrocities.

Devon County Council seeks to fully divest from these companies and to uphold values of peace, justice, and ethical responsibility.

The minutes of the Investment and Pension Fund Committee will be available here shortly, outlining the Committees deliberations and response.

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=187&MId=5028&Ver=4>

16. **Young Carers Covenant (Minute 314 of 5 September 2024)**

To receive and consider the recommendations of the Cabinet (Minute 644) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Letch and referred thereto in accordance with Standing Order 8(2), namely.

The Young Carers Covenant is a UK-wide commitment to young carers and young adult carers, setting out ten key outcomes that young carers from across the UK have said are key to improving their lives. It was drawn up by Carers Trust and members of the Young Carers Alliance and was launched on Young Carers Action Day 2024.

Any organisation or individual in a position to take action to help achieve these outcomes is urged to sign up to the Covenant.

The work to date by the Council on supporting the covenant is welcomed, but the Council and its Members are asked to continue this journey, sign the young carers covenant and undertake to implement its aims.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/39) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to;

(a) support the proposed review of the existing contract so that the contract delivers a more dynamic approach to supporting our young carers and their families; so that young carers receive the right help from the right service at the right time;

(b) acknowledge the work of the Place Called Home Board in undertaking their best practice consultation;

(c) support progression of actions through the existing Steering Group reporting into the Place Called Home Board, so that the Council can evidence what it is delivering against the key changes identified by young carers and submit the application for the Covenant once the new contract has been developed and awarded; and

(d) ask the Childrens Scrutiny Committee Members to monitor progress against the actions identified by the Young Carer's Steering Group and update Cabinet next year on the proposal for the new contract.

17. Winning A Better Devolution Deal For Devon (Minute 315 of 5 September 2024)

To receive and consider the recommendations of the Cabinet (Minute 623) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Leaver and referred thereto in accordance with Standing Order 8(2), namely;

The commitment of the new Labour Government to Devolution is welcomed by Devon County Council.

Council now believes it is possible to negotiate a much better devolution deal for Devon than the spartan arrangements approved by the last Government which disregarded and marginalised the value and importance of the City, Borough and District Councils in the County.

Council seeks a genuine partnership with local councils across the county council area and partner councils in establishing a new devolution deal that will help deliver and secure jobs, skills and economic development, along with much needed socially affordable housing, and help develop our education and healthcare sectors among others.

This Council therefore calls for no further action to be taken on the old Devon/Torbay devolution deal and for the Council to open new discussions with the Government on a revised deal for Devon, including Torbay and Plymouth and to also invite other councils neighbouring Devon to participate.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/38) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that it is recommended that the Council;

(a) notes the new Labour Government's decision to finalise the regulations to establish the Devon and Torbay Combined County Authority which will give effect to the agreed devolution deal;

(b) acknowledge that on 24 April 2024 full Council agreed the final proposal

for a Devon and Torbay Council devolution deal to be submitted to the Secretary of State. The proposal has been fully consulted upon. The proposal was reviewed by two separate governments, and the Council is delighted that it is progressing;

(c) note that the deal represents the start of a positive and productive relationship with Government which can lead to wider and deeper opportunities. Complementing Torbay and its coastal position, Devon County Council and Torbay Council would encourage the Devon District Forum to consider nominating an urban and a rural District Council representative to sit on the CCA Board once established. Once the Devon and Torbay CCA is established, the Council welcome the prospects of widening the remit of the CCA, to take on additional devolved funding and powers from national government; and

(d) note that the opportunity for Plymouth to join the Devon and Torbay CCA remains open, should Plymouth wish to pursue this.

18. Protecting British Family Farms and Preserving Rural Communities

Councillor Samuel to move:

This Council notes with concern the proposed changes to inheritance tax announced by the Labour Government in the recent Autumn budget, which would scrap Agricultural Property Relief (APR). APR has been instrumental in allowing British family farms to remain intact across generations, supporting food security, sustaining rural communities, and aiding environmental stewardship.

This tax is estimated to impact over 70,000(1) family farms, leaving the average farming family with a tax bill of at least £240,000(2), which will force many to sell portions of their land or close entirely, paving the way for corporate ownership over family ownership.

The Council believes that this tax will have severe impacts:

1. Food Security: Selling off land or closing farms will put our national food independence at risk, at a time when global stability is already fragile. British family farms are critical to ensuring a steady supply of homegrown food.

2. Rural Community Stability: Family farms are the foundation of rural Britain, contributing to local jobs, schools, and essential services. Labour's proposed tax risks destabilising communities, eroding the rural way of life, and causing a negative ripple effect across the countryside.

3. Environmental Stewardship: Farms cover 70% of the UK's land, with family farms playing a leading role in nature recovery, biodiversity, and sustainable land management. The sale and fragmentation of these lands would hinder conservation efforts and undermine environmental initiatives.

This Council therefore resolves to:

- Oppose the Labour Government's changes to inheritance tax affecting family farms.
- Advocate for the exemption of family farms to preserve the UK's food security, rural communities, environmental initiatives

This Council urges all Councillors to stand with Britain's family farms, to support our rural communities, and to protect the environment by formally rejecting this proposed "family farm tax" and asks for a cross party letter from Group Leaders of this Council to write to the Chancellor expressing the concerns about the inheritance tax policy on farm land over £1m (which will come into effect in 2026), outlining the detrimental effect on the future of farming in Devon, food security, environmental stewardship and the need to sustain rural communities.

References

1. CLA 2024 October <https://www.cla.org.uk/news/help-the-cla-save-your-family-business/>
2. AHDB 2024 October <https://ahdb.org.uk/news/ahdb-response-to-budget-2024>

19. Control of Local Bus Services

Councillor Atkinson to move:

That Devon County Council as the transport authority together with the new combined authority, gives serious consideration to take advantage of the package of measures announced by the Transport Secretary on 9th September 2024 to empower local leaders to take control of their bus services . The expectation is that these measures will be the first stop on the journey to better buses.

The Council undertakes to report into the feasibility of these proposals for Devon and how these powers may be used to improve bus services.

That the County Council consider bringing strategic partners such as District Councils into the discussion, as the provision of effective bus services is something that affects us all and does not recognise boundaries.

20. Children's Social Care Policy Statement.

Councillor Aves to move:

This Council Notes:

On 18 November the Department for Education published a policy statement '[Keeping Children Safe, Helping Families Thrive](#)', its new Children's Social Care policy statement, setting out the government's vision for reform and a legislative agenda to reset the children's social care system, both in terms of how national government collaborates with local government, but also in taking a whole system approach to reform.

The Secretary of State states she wants to break down barriers to opportunity. The document also outlines a commitment to support children to live in family settings where children cannot remain at home, including through kinship or foster care, rather than residential care.

The Devon County Labour Group supports this aim and believes Devon County Council must commit to further strengthen what it does to keep families together and children safe.

Alongside this, the statement sets out ambitions to fix the broken care market, invest in key enablers and ensure the system is working effectively for vulnerable children and families.

A Guardian article on children's homes on 18th November pointed out that three years ago the Competition and Markets Authority found Children's homeowners in England, Scotland and Wales were making excessive profits, while carrying too much debt - exposing children and councils to unacceptable risks and exploiting children for profit.

The needs of children rather than market forces should shape where children's homes are placed, and that children are placed in the most appropriate homes.

This Council resolves to:

1. work with the new government to reset and improve the children's social care system in Devon as set out in the new document 'Keeping Children Safe, Helping Families Thrive' from The Rt Hon Bridget Phillipson MP, Secretary of State for Education and Minister for Women and Equalities .
2. welcome the new powers for Ofsted to investigate multiple homes being run by the same company, acting on the recommendations made in response to stop abuse from happening in children's homes.
3. improve the residential care opportunities in Devon to keep children in care near families, friends, and their school where appropriate.
4. increase the number of in-house residential care facilities and use not-for-profit providers, and, become involved in the setting up of Regional Care Co-operatives.
5. give a secure undertaking that they will not place children in homes that are unregistered or just for profit.
6. provide or use not-for-profit homes where children and care experienced young people have access to properly trained staff who are able to give them the support, skills, and connections to friends and relatives that will continue to support them throughout their life.

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

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Induction Loop available



LDS/24/49
Council
5 December 2024

Devon and Torbay Combined County Authority (DTCCA) – Appointments

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Council before taking effect.

1. Recommendation

It is recommended

(a) that the Council, appoint the Members as outlined in section 7 to the Combined County Authority, the Scrutiny Committee of the Combined County Authority and the Audit Committee of the Combined County Authority; and

(b) that the Chief Executive be authorised to approve such changes to memberships of the CCA and Committees, as detailed in the Report, as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council.

2. Background

At its meeting on 29 April 2024, the Council approved the final proposal for the Devon and Torbay Combined County Authority (DTCCA) for submission to the then Secretary of State for Levelling Up, Housing and Communities.

The final proposal for the DTCCA was submitted jointly by Devon County Council and Torbay Council on 1 May 2024.

The DTCCA will be a “body corporate” that will be brought in to being through the Devon and Torbay Combined County Authority Regulations 2024. The Regulations will establish the DTCCA and give effect to the Devon and Torbay devolution deal. The Regulations include the DTCCA’s governance arrangements, the functions it will exercise and its membership.

3. Draft Regulations:

The draft regulations state the following

- (1) Each constituent council must appoint three of its elected Members to be members of the Combined County Authority;
- (2) Each constituent council must appoint one of the persons appointed under paragraph (1) to be the lead member for that council;

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(3) Each constituent council must appoint another three of its elected members who may act as members of the Combined County Authority in the absence of any of the members they appointed under sub-paragraph (1) (“substitute member”); and

(4) Only one substitute member may act as a member of the Combined County Authority in the absence of each absent member appointed under sub-paragraph (1) at any time

The application of political balance to these three appointments results in the appointment of three Conservative members, for both the main appointments and the substitute appointments.

4. Overview and Scrutiny Committees

The final proposal for the establishment of the Devon and Torbay Combined County Authority, submitted to the Government in May 2024, set out arrangements for the Overview and Scrutiny and Audit Committees of the DTCCA, as follows:

The proposed County Combined Authority (CCA) would be required to have an Overview and Scrutiny Committee, its role being to monitor the decision making of the CCA to ensure that the decision making is appropriately focussed on community needs, and that high quality delivery is taking place for the benefit of the proposed CCA area.

In accordance with the Levelling-up and Regeneration Act 2023 and given the role of the Committee, its membership must involve different individuals than those who are Members of the proposed CCA.

The political balance of the Overview and Scrutiny Committee will reflect the political balance of the Constituent Councils. It will include at least two members nominated from each Constituent Council as well as representatives from the District Councils.

Further, the proposed CCA would consider how to best ensure wider relevant partners (such as from the business, education and community sectors) are represented effectively on the Committee.

The Chair and Vice Chair of the Overview and Scrutiny Committee will be appointed by the CCA, following a proposal put to them by the Overview and Scrutiny Committee in question. The Chair and Vice Chair must not be a member of a registered political party of which their respective constituent Lead Member of the CCA is also a member.

5. Audit Committee

The proposed CCA is required to have an Audit Committee. The role of the Audit Committee is to support and monitor the authority in the areas of governance, risk management, external audit, internal audit, financial reporting, and other related areas to ensure that the financial and governance decision making position of the proposed CCA is sound.

As with the Overview and Scrutiny Committee, this means that at least two members of the Audit Committee would be nominated from each Constituent Council of the proposed CCA. At least one member would be nominated by the District Councils.

There would be a requirement for political balance on the Committee to reflect the political balance of the Constituent Councils.

There is a requirement for the Chair of the Audit Committee to be an independent person, who is not otherwise involved in the proposed CCA. Again, the Levelling-up and Regeneration Act 2023 requires that members of the Audit Committee must not be the same individuals as those representatives who are members of the proposed CCA.

The proposed CCA will ensure that the Audit Committee has the appropriate member representation to ensure effective oversight of the adequacy of the proposed CCA's overall assurance arrangements, and scrutiny of financial decision making by the proposed CCA.

6. Political Balance

To reflect political balance for both Devon County Council and Torbay Council, it is proposed that five members from each authority are appointed to each of the DTCCA Overview and Scrutiny Committee and Audit Committee. For Devon County Council, the application of political balance to these appointments, results in the appointment of three Conservative members, 1 Liberal Democrat member and 1 Labour Member. The Devon District Councils will be nominating two representatives and these nominations will be determined at the District Forum Meeting on 6 December 2024.

The chair positions, to be appointed by the CCA, require a different political affiliation than the lead member on the CCA. This means a minimum of 4 members are required from Devon County Council in order to achieve that requirement.

A discussion with the political groups reflected a desire to have 5 Members, in order that the Labour group become entitled to a seat based on political balance. This proposal received cross party support.

A Committee of 12 would comprise of five members from each constituent authority (DCC 3 Conservative, 1 Liberal Democrat and 1 Labour), (Torbay 3 Conservative, 2 Liberal Democrat). This totals 6 Conservative Members, 3 Liberal Democrat Members and one Labour; plus the 2 District Council appointments.

7. Proposals

(a) That three Conservative members be appointed as Devon County Council's three representatives on the Devon and Torbay CCA, and that one of these representatives is the Leader of the Council (namely Councillor J McInnes, Councillor A Davis and Councillor R Gilbert);

Agenda Item 7.

(b) that the Leader of the Council (Councillor J McInnes) be appointed as the lead member for Devon County Council on the Devon and Torbay CCA; and

(c) That three Conservative members be appointed as Devon County Council's three required substitute members on the Devon and Torbay CCA (namely Councillor P Twiss, Councillor S Hughes and Councillor L Samuel). In the first instance, substitute members from the same political group shall attend meetings in the absence of appointed representatives and where this is not possible, substitute members from a different political group shall attend; and

(d) That 3 Conservative Members, 1 Liberal Democrat Member and 1 Labour Member be appointed as Devon County Council's representatives on each of the Devon and Torbay CCA Overview and Scrutiny Committee and Audit Committee

(i) Scrutiny Committee - Councillor P Sanders, R Chesterton, I Chubb (Substitute members TBC), C Leaver (Substitute Member TBC), and Y Atkinson (Substitute C Whitton),

(ii) Audit Committee – Councillors R Scott, C Slade, D Sellis, (Substitute Members TBC), TBC (Substitute TBC), and S Aves (Substitute M Asvachin).

8. Financial Considerations

There are no financial considerations in terms of appointing Members to these Committees. The matter of remuneration is one for the Independent Remuneration Panel yet to be commissioned by the Devon and Torbay CCA.

9. Legal Considerations

The DTCCA will be a “body corporate” that will be brought in to being through the Devon and Torbay Combined County Authority Regulations 2024. The Regulations will establish the DTCCA and give effect to the Devon and Torbay devolution deal. The Regulations include the DTCCA's governance arrangements, the functions it will exercise and its membership.

10. Risks

There are no risks associated with the recommendation.

11. Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental impacts associated with the recommendation.

12. Equality Considerations

There are no equality implications associated with the recommendation.

13. Other Options Considered

An alternative option would be to not apply political balance to the allocation of seats, but this option would not be in line with the Levelling-up and Regeneration Act 2023 and the [Devon and Torbay Devolution Deal](#) in respect of Audit and Scrutiny at paragraphs 31 and 32.

Name: Karen Strahan

Assistant Director of Democratic Services

Electoral Divisions: All

Cabinet Member for Corporate, Policy and Asset Management

Local Government Act 1972: List of background papers

Devon and Torbay Combined County Authority Regulations 2024

Final Proposal for the Devon and Torbay Combined County Authority (included with the agenda for the meeting of the Council held on 29 April 2024)

LDS/24/50
Council
5 December 2024

Team Devon Joint Committee

Report of the Director of Legal and Democratic Services & Director of Performance and Partnerships

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

1) Recommendation

That the Council be asked to:

- a) Approve the Council's membership of and participation in the Team Devon Joint Committee on the basis of the constitution set out in Appendix 1.
- b) Appoint the Leader of the Council as the Council's representative on the Team Devon Joint Committee.
- c) Appoint the Deputy Leader of the Council as the substitute for the Leader on the Team Devon Joint Committee.
- d) Endorse the initial focus of the Team Devon Joint Committee's work on the preparation of a Devon-wide housing strategy and also, in the context of devolution to Devon and Torbay, economic growth, employment and skills.

2) Introduction

The informal Team Devon (Leaders and Chief Executives) partnership that brings the County Council, District Councils, National Park Authorities and Devon Association of Local Councils together has enabled a joint approach to common issues and shared challenges. Since the pandemic, its work has covered areas such as the housing crisis, accommodation for children in care, homelessness, financial vulnerability and hardship, water pollution, and the Devon & Torbay devolution deal.

Devon County Council and Torbay Council consent to government laying the order to establish the Devon and Torbay Combined County Authority on 18 November 2024. The proposed functions of the Team Devon Joint Committee would enable it to have a voice and establish a collective position in the CCA should it be formed.

At its meeting 29 April 2024 the full Council resolved to "support the establishment of the statutory Team Devon Joint Committee to formalise the existing partnership, address shared priorities and have a voice in the work of the Combined County Authority and note that its proposed terms of reference will be considered by the Council in September 2024" (minute 276 (f) refers). Following a change in government and the delay in proposed establishment of the Devon and Torbay Combined County Authority this was delayed until December.

Agenda Item 11.

Team Devon (Leaders and Chief Executives) have agreed in principle that the establishment of a Team Devon Joint Committee to formalise the existing partnership would: improve partnership governance; enable transparent decision-making; create opportunities to take Team Devon's work on shared priorities further forward; and enable it to inform the work of any future Devon and Torbay Combined County Authority. It is anticipated that all the other members of the Team Devon Joint Committee will be able to approve the proposed terms of reference and appoint Committee members before the end of the year. The terms of reference have been shared with the respective Monitoring Officers.

3) Proposal

Local authority partners in Devon came together in 2018 to form the Team Devon partnership. The County Council, Devon's District, City and Borough Councils (East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council), and wider county stakeholders (including Devon's two national parks and the Devon Association of Local Councils which represents Devon's town and parish councils) formed an informal partnership which allowed for the pursuit and discussion of shared matters.

It is proposed that the Team Devon Joint Committee will comprise the Leader of each of the nine local authorities (i.e. the County Council and eight district, city and borough councils) and a member of the Dartmoor and Exmoor National Park Authorities. The Chair of the Devon Association of Local Councils would be an associate member along with representatives of the NHS and police.

The Joint Committee will operate on the basis of one member, one vote. Scrutiny will be undertaken by each of the constituent authorities' own scrutiny arrangements.

The proposed functions of the Team Devon Joint Committee are to:

- Support continuous improvement and value for money in the ways that Devon's National Park Authorities, parish, town, district and county councils exercise their duties and responsibilities. This could include aligning performance measures and sharing or integration of services.
- Contribute to the following environmental, economic and social wellbeing objectives for Devon's people and communities:
 - Economic development (incorporating green growth).
 - Housing and homelessness.
 - Transport infrastructure.
 - Climate change.
 - Natural and cultural heritage.
 - Health and wellbeing inequalities.
 - Migration and asylum.
- Advise, inform and support the work of any future Devon and Torbay Combined County Authority.

The County Council's declaration of a housing crisis and the Devon Housing Commission's report highlight the significant role that the Team Devon Joint Committee could play in improving the availability, affordability, and accessibility of housing through a Devon-wide

housing strategy. The Joint Committee could also have a focus, in the context of devolution to Devon and Torbay, on economic growth, employment and skills.

The Joint Committee will enable Devon's local government family as a whole to engage and work with Government and regional bodies.

No decision could be taken by the Team Devon Joint Committee which relates to any matter that is the sole preserve of a specific member body unless that body indicates its agreement with the proposal. In addition, no decision could be taken that is to the financial detriment of any member body unless that body indicates its agreement to the proposal.

The proposed constitution for Team Devon Joint Committee is attached as Appendix 1.

The Joint Committee would meet in public at least quarterly and it is suggested that the first meeting is held on Wednesday 8 January 2025. This will provide sufficient time for each of the member bodies to consider the proposed constitution and appoint their representatives.

It is envisaged that Committee Members will meet informally between meetings as necessary, and the Committee will be supported by the group of chief executives/officers.

The Joint Committee would be able to set up advisory groups as required to enable it to execute its responsibilities effectively and delegate tasks as it sees fit to those bodies, which may be formed of officers, Joint Committee members or such third parties as the Joint Committee considers appropriate.

4) Options / Alternatives

There is the option to continue with the current monthly meetings of the informal Team Devon (Leaders and Chief Executives) partnership. However, to do so may deprive Devon's local councils of an opportunity to strengthen collaboration and joint working, at a time when increased focus is being placed on effective partnership in service delivery and outcomes. The rich tapestry of Devon's people and places, from parish halls to County Hall, all play their part in delivering Team Devon's shared ambitions. Were the Team Devon (Leaders and Chief Executives) meetings to remain informal, it could hide the light of a positive and effective partnership.

5) Strategic Plan

This proposal reflects the aims and objectives of the Council's "Best Place" Strategic Plan 2021 – 2025. The Strategic Plan recognises that the Council works collaboratively with other local authorities, the NHS, voluntary and community groups, businesses and many others. One of its specific commitments is to "work with Team Devon to tackle homelessness and improve the availability of affordable housing in Devon".

6) Financial Considerations

The County Council will be the Administering Authority for the Joint Committee and resources will be needed to provide it with secretarial, legal and communications support.

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7) Legal Considerations

The Team Devon Joint Committee will act as a Joint Committee under section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no direct environmental impacts associated with the recommendations.

9) Equality Considerations

All public authorities involved in Team Devon Joint Committee are bound by the Public Sector Equality Duties (Equality Act 2010). The Committee will provide a positive opportunity to meet the shared duties to eliminate discrimination, advance equality and foster good relations across through improved partnership working, benefitting Devon's diverse communities.

10) Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken / included to safeguard the Council's position.

11) Conclusion

The Council has already resolved to support the establishment of the statutory Team Devon Joint Committee to formalise the existing partnership, address shared priorities and have a voice in the work of any future Devon and Torbay Combined County Authority.

Maria Price

Director of Legal and Democratic Services

Keri Denton

Director of Performance and Partnerships

Electoral Divisions: All

Leader of the Council and Cabinet Member for Policy, Corporate and Asset Management:
Councillor James McInnes

Local Government Act 1972: List of background papers

Background Paper: Nil

Date

File Reference

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Team Devon Joint Committee Constitution for the Joint Committee

1 Governance

The Team Devon Joint Committee (hereafter referred to as the “Joint Committee”) will act as a joint committee under section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The Joint Committee will undertake the functions detailed in section 4 below.

The Joint Committee will not hold funds or monies on behalf of the member authorities.

2 Key purpose

The Joint Committee will be the means by which Devon’s National Park Authorities, parish, town, district and county councils work jointly on shared priorities for the benefit of people and places across the county.

3 Membership

The membership of the Joint Committee will comprise a representative of each of the following (hereafter the **Constituent Authorities**):

- Dartmoor National Park Authority
- Devon Association of Local Councils (associate member)
- Devon County Council
- East Devon District Council
- Exeter City Council
- Exmoor National Park Authority
- Mid Devon District Council
- North Devon District Council
- South Hams District Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council
- NHS Integrated Care Board (ICB) (co-opted member)
- Devon and Cornwall Police (co-opted member)

Each of the bodies listed above shall appoint one member and one named substitute member to the Joint Committee on an annual basis. Each member shall have one vote including substitute members and no member (including the Chair) is to have a casting vote. A body’s substitute member can only attend and vote if the body’s member is not present.

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The Devon Association of Local Councils will be an associate member of the Joint Committee and its appointed member (or substitute member) will have authority to speak and vote on any matter on behalf of the Association.

For each of the nine councils (i.e. the eight district, city, borough and county councils), the member appointed shall be that Council's Leader. Political balance rules will not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the Dartmoor and Exmoor National Park Authorities the appointed members (or substitute members) shall have authority to speak and vote on matters on behalf of both National Park Authorities. The Joint Committee may co-opt non-voting representatives from the private, voluntary, community, social enterprise, or other public sector bodies at any time.

A member or substitute member of the bodies shall cease to be such a member immediately upon them ceasing to be a member of the body. The body will appoint a replacement member as soon as practicable.

A member may resign from Joint Committee by written notice served on the Monitoring Officer of the body that appointed them, and the resignation takes effect on receipt of the notice by the body that appointed them. The body must serve written notice of the resignation on the Joint Committee's Secretary as soon as reasonably possible.

4 Functions

The functions of the Joint Committee will be to:

- Support continuous improvement and value for money in the ways that Devon's National Park Authorities, parish, town, district and county councils exercise their duties and responsibilities. This could include aligning performance measures and sharing or integration of services.
- Contribute to the following environmental, economic and social wellbeing objectives for Devon's people and communities:
 - Economic development (incorporating green growth)
 - Housing and homelessness
 - Transport infrastructure
 - Climate change
 - Natural and cultural heritage
 - Health and wellbeing inequalities
 - Migration and asylum
- Advise, inform and support the work of any the Devon and Torbay Combined County Authority.

5 Administering Authority

Devon County Council will be the Administering Authority for the Joint Committee and shall provide secretarial, legal, financial and communications support to the Committee. The role of the secretary to the Joint Committee shall be:

- a) to maintain a record of membership of the Joint Committee and any sub-committees or advisory groups appointed
- b) to summon meetings of the Joint Committee or any sub-committees or advisory groups;
- c) to prepare and send out the agenda for meetings of the Joint Committee or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
- d) to keep a record of the proceedings of the Joint Committee or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
- e) to take such administrative action as may be necessary to give effect to decisions of the Joint Committee or any sub-committees or advisory groups;
- f) to perform such other functions as may be determined by the Joint Committee from time to time.

The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

6 Appointment of Chair and Vice-Chair

The Joint Committee shall elect a Chair and Vice-Chair from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

A vacancy occurring in the positions of Chair or Vice-Chair between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

The Chair and Vice-Chair shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and, subject to the following provision, continue in office until a successor is appointed. In the absence of the Chair and the Vice-Chair at a meeting, the voting members of the Committee present shall elect a Chair for that meeting. The Chair or Vice-Chair may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

7 Quorum

The quorum shall be six members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

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8 Voting

Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

Where all voting members are unable to agree the following will apply;

1. In exceptional circumstances where a formal vote is required and no body is financially affected , the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands.
2. In circumstances where one or more bodies are either financially impacted or proposals relate to the specific geographical area of the body(ies), the body's(ies') member(s) must first consent to the proposal and indicate an intention to vote in favour of the proposal, the proposal will then be put to the vote in accordance with clause 8.1 above.

On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each member voted and there shall also be recorded the name of any member present who abstained from voting.

A member may demand that their vote is recorded in the minutes of the relevant meeting.

The proceedings of the authority are not invalidated by any vacancy among its members or any defect in the appointment or qualifications of any member.

9 Sub-Committees and Advisory Groups

The Joint Committee may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.

The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers, Joint Committee members or such third parties as the Joint Committee considers appropriate.

10 Meetings

The Joint Committee will meet no less than quarterly. Meetings will be held at such times, dates and places as may be notified to the members of the Joint Committee by the secretary, being such time, place and location as the Joint Committee shall from time to time resolve.

Meeting papers will be circulated five clear working days in advance of any meeting. The Chair has discretion to accept or reject urgent items that are tabled at any meeting.

Additional ad hoc meetings may be called by the secretary, in consultation, where practicable, with the Chair and Vice Chair of the Joint Committee, in response to receipt of

a request in writing, which request sets out an urgent item of business within the functions of the Joint Committee, addressed to the Secretary:

- (a) from and signed by two members of the Joint Committee, or
- (b) from the Chief Executive of any of the member bodies.

The Secretary shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by the Chief Executive, Chief Finance Officer or Monitoring Officer of any of the members.

The Joint Committee shall, unless the person presiding at the meeting or the Joint Committee determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out below.

Access to Information

Meetings of the Joint Committee will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.

These rules do not affect any more specific rights to information contained elsewhere under the law.

The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each body is to co-operate with the Secretary in fulfilling any requirements.

Any Freedom of Information or Subject Access Requests (or other request received pursuant to Freedom of Information or Data Protection legislation) received by the Joint Committee should be directed to the relevant body(s) for that body to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more member authorities, they will liaise with each other before replying to the request.

11 Attendance at meetings

The Chair may invite any person, whether a member or officer of one of the member bodies or a third party, to attend the meeting and speak on any matter before the Joint Committee.

Third parties may be invited to attend the Joint Committee on a standing basis following a unanimous vote of those present and voting.

Where agenda items require independent experts or speakers, the officer or member body proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in Joint Committee meetings will be subject to the discretion of the Chair.

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12 Procedure Rules

Attendance - At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

Order of Business - Subject to the provisions below, the order of business at each meeting of the Joint Committee will be:

- i. Apologies for absence.
- ii. Declarations of interests.
- iii. Approve as a correct record and sign the minutes of the last meeting.
- iv. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.

The person presiding at the meeting may vary the order of business at the meeting.

Disclosable Pecuniary Interests –

If a new DPI comes to light, they have 28 days in which to tell the Monitoring Officer and add it to the register. If it is a new interest that hasn't yet been registered and is engaged at a meeting when business is being considered at which they are present, the DPI must be declared at the meeting

If a member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, they must not participate in any

- discussion of the business of the meeting or, if they become aware of a DPI during the meeting, not participate any further in the discussion
- vote taken on the matter at the meeting

This limit applies to any form of participation, including speaking as a member of the public or as an interested councillor.

They should also leave the room if their continued presence is not compatible with the code of conduct or the Nolan Principles.

Minutes - There will be no discussion or motion made in respect of the minutes other than as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

Rules of Debate - A member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972

Conduct of Members - Members of the Joint Committee will be subject to their own bodies Code of Conduct.

13 Application to Sub-Committees

The procedure rules and also the access to Information provisions set out above shall apply to meetings of any sub-committees of the Joint Committee.

14 Scrutiny of decisions

Any member body may call in any decision of the Joint Committee in accordance with that member body's constitution. If any decision of the Joint Committee is subject to call-in by any member body(ies), the Joint Committee shall take no action to implement that decision unless the call-in process upholds the decision.

14 Winding up of the Joint Committee

The Joint Committee may be wound up immediately by a unanimous vote of all the members.

15 Amendment of this Constitution

This Constitution can only be amended by resolution of each of the members.

County Council
5th December 2024

REPORT OF THE CABINET MEMBER FOR ECONOMIC RECOVERY AND SKILLS

1 Introduction

This report summarises recent decisions, meetings, progress, and examples of service developments encompassed by my Cabinet remit for: economic development; employment, training and skills; the provision of trading standards and consumer protection; and securing the future delivery and direction of services.

2 Decisions

At its meeting on 29/4/24 the Council agreed, following public consultation during February and March 2024, to submit the final proposal for the Devon and Torbay Combined County Authority (DTCCA) to Government. The Chief Executive, in consultation with the Leader, has formally consented to the making of the DTCCA Regulations 2024 which will create the DTCCA (minute 276(d) from the 29/4/24 Council refers). The Regulations are currently going through the Parliamentary process to become law and it is anticipated that the DTCCA will be established in February 2025. There is a report elsewhere on the agenda for this meeting relating to the nomination of members of the DTCCA and its scrutiny and audit committees. On 20/11/24, the Leader of the Council, (as Cabinet Member for Policy, Corporate and Asset Management) decided that the County Council will be the accountable body for the DTCCA.

At its meeting on 29/4/24, the Council agreed to support the establishment of the Team Devon Joint Committee to formalise the existing partnership, address shared priorities and have a voice in the work of the DTCCA.

At its meeting on 10/7/24, the Cabinet agreed the areas of focus for the Corporate Plan 2024/25 and Directorate priorities for improvement in 2024/25. It also endorsed the proposal to monitor the Corporate Plan 2024/25 through the Council's new corporate performance framework. At its meeting on 13/11/24 the Cabinet noted the updated performance framework including the strategic plan indicators, together with progress on corporate and directorate improvement plan priorities for 2024-25. It also agreed that a Performance Board for the Council be established drawing together finance, governance, workforce and risks.

3 Meetings

Participation in the September 2024 launch of the Devon Housing Commission report in the House of Commons.

4 Service Issues and Updates

Heart of the South West Trading Standards Service

HotSW Trading Standards work is intelligence led, responding to consumer complaints and requests for business support from traders. Priority areas include,

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Animal Health and Welfare/Disease Control, Doorstep Crime/Rogue Traders, Food Allergens, Scams and illicit Tobacco/Cigarettes.

Trading Standards featured on the BBC TV series SAS: Catching the Criminals highlighting the work to tackle and disrupt the supply of illicit tobacco and vape products. The service seized illegal tobacco and vapes worth more than £10,000 during an operation in Exmouth.

Trading Standards officers carried out a multi-agency operation with the Animal & Plant Health Agency, the Police and the RSPCA in September 2024 in response to a complaint about poultry welfare on a farm in Devon. In May 2024, the service rehomed a herd of cattle that it had taken possession of following numerous visits to the farm where each time cattle were found in an unsuitable environment and with deteriorating welfare.

As of 18 November, Trading Standards Service reverted to being part of the Public Health and Communities Directorate.

Partnerships

Since the Cabinet agreed the Devon County University Civic Agreement 2023-2026 in July 2023, progress has been made with the young people, skills and innovation, and housing themes. Examples include forming a new Devon, Plymouth, and Torbay Education Alliance to raise attainment through tutoring and mentoring models and exploring approaches to support schools and colleges with their work young people with SEND and SEMH needs. Skills assets have been created, including a Social Care Skills Escalator to support sector training and recruitment, and a new suite of dashboards investigating the local labour market, devised in partnership with the Local Skills Improvement Partnership (LSIP).

The Prosper Programme has been delivered in Exeter, East and Mid Devon using UK Shared Prosperity Funding (UKSPF) to support businesses with general, start up, job creation and green business support.

The Future Farm Resilience Programme is being delivered across Dorset, Somerset Devon & Cornwall using £2.6 million of DEFRA funding to support farmers with reductions in basic payments.

The Devon Food Partnership is enabling collaboration and communication between internal and external food stakeholders across the county and has launched Devon's Good Food Strategy 2023-2028.

The Agri-Events programme is supporting partnership working and knowledge exchange to grow and foster innovation in the agriculture sector across East, Mid, and West Devon and South Hams, funded through UKSPF.

The Growth Hub continues to provide a free support and referral service for any businesses in Devon, Somerset, Plymouth, and Torbay including digital business support and in-depth business advice provided through the UKSPF Prosper programme.

An update on the Connecting Devon and Somerset (CDS) programme has been shared with Corporate Infrastructure and Regulatory Scrutiny. Superfast connectivity currently stands at 93.6% against a 95% target for the area. Engagement continues with Government over its centrally run Project Gigabit programme and delivery in Devon. No build plans are ready to be shared currently.

Economic infrastructure

The £16million capital grant programme was launched last month, funding green projects, themed around housing, business, skills and infrastructure. It includes the £1.8m Green Impact Fund led by the County Council.

Following St Modwens exit from Skypark Development Partnership, priorities for Skypark include a review of opportunities to simplify operation from the previous arrangement. The Local Development Order has been produced and is due out for consultation this month, seeking approval from East Devon District Council in early 2025.

Learn Devon

Learn Devon provides English and Maths qualifications and support including delivery of engagement programmes through Multiply. It has developed a tenancy programme, developed with District Councils, corporate parenting and transition teams to support care leavers and young asylum seekers gain and demonstrate the skills and knowledge to become a responsible tenant. Learn Devon is delivering English courses for speakers of other languages in Exeter to Young Asylum seekers, at the request of the Virtual school to ensure young asylum seekers receive education and support prior to joining Exeter College at the start of each academic year.

Training and Skills

The Careers Hub supports 118 schools and colleges across Devon, Plymouth and Torbay with a focus on providing work experience with employers, supporting low social mobility and removing anxiety barriers for young people. It has offered over 1000 places with 5% of these taking up the offer being Care Experienced or Young Carers. In 2023-24 the team have also offered apprenticeships, a partnership with Exeter and City college supporting 50 young people, and created 49 new apprentice ambassadors. The team have targeted interventions for those economically disadvantaged or facing barriers include 'Empowering Girls' - with 130 mentors supporting 600 girls across 18 schools, mentoring for care experienced young people via the virtual school for 50 young people and 8 schools.

The Positive About Care Experience (PACE) programme has been developed by Devon County Council (DCC) in partnership with Exeter College and aims to provide opportunity and employment for our care experienced young people. The DfE funded supported Internship programme for young people with SEND or who are care-experienced is in its third and final year. It has helped over 120 young people with an Education, Health and Care Plan secure an internship for 2024/5.

This is the fifth year of the Train4Tomorrow Skills Bootcamps programme, which has supported over 5,000 adults to upskill and move into high-demand job roles in

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health, social care, digital, technical, and Devon's green economy. The Skills Bootcamps are free to learners and offer the opportunity to undertake rapid training (less than 16 weeks) and access interviews for live vacancies.

Employment and Youth Hubs have been set up in three new areas across the county – East (Honiton), Mid (Tiverton and Cullompton) and North (Barnstaple). The existing Exeter Youth Hub has been extended to offer a service to those aged 24+ to mirror provision available in the other areas. Additional pop-up sites are offered in Ilfracombe, South Molton and Sidmouth.

5 Conclusion

The report demonstrates the breadth of work taking place within the Performance and Partnerships Directorate on a wide variety of fronts: all contributing to the wellbeing of people and communities across Devon.

Devon County Council
5 December 2024

REPORT OF THE CABINET MEMBER FOR SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

1. Introduction

The National Audit Report on Children and Young People With Special Education Needs was published on 24th October and highlighted the significant increases in the number of children identified as having SEN, particularly those with education, health and care plans (EHCPs) specifying a need for support in more expensive settings. The report also stated that the DfE estimates some 43% of local authorities will have deficits exceeding or close to their reserves in March 2026.

Government announced an additional £1 billion increase in SEND in the Autumn Budget and Alternative Provision funding. At the same time it committed to set out in the Spending review its vision to reform SEND provision. We welcome both of these statements.

As reported to Cabinet in November, Special Educational Needs and Disabilities (SEND) has continued to be an area of acute pressure for the Authority, in line with the national picture, over the past few months, with additional demand for plans and placements driving ongoing budget pressures, whilst officers and partners have sought to both meet need and delivery on our agreed improvement programme.

2. Decisions

Cabinet on 14 August 2024 - Our Independent Education Provision and Procurement Strategy supports the future commissioning and strategy for Independent Special Schools and Alternative Education providers.

3. Meetings

Strategic Partnership Board: 11 January, 8 February, 14 March, 17 April, 16 May, 13 June, 11 July, 19 September, 17 October, 21 November

SEND Transformation Programme Board: 3 January, 25 January, 29 February, 26 March, 2 May, 24 May, 27 June, 18 July, 4 September, 3 October, 7 November,

SEND monitoring visit: 1 February, 9 May, 21 November

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4. Service Actions, Issues and Forthcoming Activities

4.1 At the heart of current challenges remain ongoing pressures around the High Needs Block / Discretionary Schools Grant, with an increased spend in Month 6 of £14.6m against forecast. Additional funding demand is currently being driven by two distinct pressures; a national increase in requests for EHCP plans post pandemic, which has seen the rate of new case growth hit around 12% per annum across the Country; and specific action to clear the Devon backlog of delayed cases, which is driving additional cost into the system. In the later case, it is estimated that the 300-400 additional plans will have been introduced into the system by March as a result of management action (taking overall numbers to around 9700 plans by the end of the current year, at an average cost of circa £17,000 per head).

4.2 In response, the central focus of officer activity over recent weeks has continued to be upon implementing our shared SEND Transformation Programme. As agreed in September 2023, the programme continues to provide a single approach to improvement across our SEND services, as well as deliver upon the 10 year, £97m Safety Valve deal agreed with Government in 2023. Key areas of focus and success over the past month include:

- **Launch of the SEND Strategy** – Launched on the 4 November, Devon’s refreshed SEND Strategy provides a single shared framework for our approach to SEND provision, centered around four cornerstone principles for our future practice; providing a welcoming and caring approach; ensuring value and inclusion is at the heart of what we deliver; embed good communication and engagement within the design and delivery of our services; and working in partnership with others. Work is now ongoing around the Strategy’s delivery plan for 24/25 with partners, seeking to reinforce our collective approach to provision across the county.
- **Ordinarily Available Inclusive Provision Toolkit** – Published in September, a refreshed approach to teaching and learning which meets the needs of all students (including those with SEND) across Devon’s school settings, with over 250 teaching professionals supported through additional training in Phase 1.
- **Capital Investment in Further Education** – A £8.3m capital bid to introduce an additional 350 Further Education placements has been approved by DFE, with a comprehensive draft needs assessment now being developed for the additional capacity.

- **SEND Customer Service Provision** – Action has been taken over the past three months to shift first contact and engagement with families around SEND matters from the statutory team to the authority’s customer service centre (CSC). This has seen an improvement in both capacity and customer feedback, with parents particularly welcoming the extended opening hours it has enabled. 7000 calls have been handled in the last 6 months and call wait times have dropped by 21%. Customer satisfaction has risen from 2 out of 5 to 3 out of 5 based on feedback from callers responding to our survey, and the move to the CSC has freed up 80 work days for the SEND Statutory team.
- **Financial Management Action** – Following an audit of SEND financial and operational processes, accelerated work to move towards a single management and data approach for young people and their provision within DCC and across partners. This also has sought to address administrative issues around SEND identified earlier this year by the Devon Assurance Partnership.
- **Multi Agency Activity** – Working closely with health, education and wider stakeholders / delivery partners, additional resources have been allocated over recent weeks to addressing waiting lists for assessment of ASD and other neurodiverse conditions. This includes joint work around a shared Neurodiversity Hub for the County.

4.3 Despite steady progress on SEND practice and value for money improvements however, it has been recognised over recent weeks that additional focus and resource will be needed if current pressures are to be met. In response, work is currently on ongoing on a reconfiguration of SEND and educational staffing across the authority to better meet demand, alongside the provision of additional leadership capacity to reinforce momentum.

4.4 The DSG was forecast as an overspend of £45.8 million at Month 6. This represents an increase forecast of £14.6 million against the position included within the Safety Valve agreement with the DfE. The agreement is based on complex financial modelling over many years and since submission of the Safety Valve plan an adjustment relating to the calculated costs for Special Schools recoupment has been identified, which represents £3 million of the increase. The majority of the remaining overspend relates to increased demands in Independent School pupil numbers and the DfE targets to issue EHCPs within a timely manner over and above the submission plan.

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4.6 The latest DfE Safety Valve update sets out a number of areas where progress is being made which will improve the overall financial position:

- a) Post 18 Supervision and next steps: Over 100 young people have moved on from an Education Health & Care Plan (EHCP) through joint working with the young person and their family alongside Education, Health and Social Care professionals.
- b) New specialist resource provision secured: 66 new resource base places secured from January 2025.
- c) Ordinarily Available Inclusive Provision (OAIP) and early support initiatives being improved.
- d) FE Capital bid successful and the numbers in the Home to Onsite (H2O) programme have expanded above the baseline.

5. Performance

5.1 EHCP timeliness

Progress has been made in the number of EHCPs being issued per month, with an average of 169 plans being issued a month over the past four months compared to 87 per month over the previous six months.

However, this has not had as much impact on the backlog as we would have liked as the number of EHCP needs assessment requests continues to increase, with an 18.42% increase on last year.

5.2 Annual reviews

The number of overdue annual reviews has also dropped over the past six months.

6. Conclusion

This report provides an overview of the SEND Service, the work being undertaken to transform the Service including working with partners and internal resources being utilised, and the current financial position.

Councillor Lois Samuel
Cabinet Member for SEND

County Council
5 December 2024

REPORT OF THE CABINET MEMBER FOR INTEGRATED ADULT SOCIAL CARE AND HEALTH

1. Decisions

1.1 No recent Cabinet decisions to report back on.

2. Meetings

Date	Meeting with	Outcomes
08-10-24	Torbay and Devon Safeguarding Adults Partnership Board – Partnership Development Day	Review of strategic priorities 2021-2024 including progress made, ongoing risks and the role of partners. Also a look forward to strategic priorities 2025-2027 to be agreed at December Borad Meeting. The Annual Report will also be on the agenda for sign off in December.
30-10-24	IASC Assurance Board	Update on CQC preparations and associated activity, and progress of the Directorates priorities. Ensuring maintained sight and awareness of progress, successes and challenges.
28-11-24	Carers Partnership Steering Group	Verbal update to be provided

3. Service Issues and Forthcoming Activities

3.1 Our improvement journey

3.1.1 The three Directorate priorities are set out below. The directorate has made progress across all three:

- **Improvement:** Improve practice quality and productivity
- **Coproduction:** Improve services in response to feedback from their users
- **Sustainability:** Maintain financial and market sustainability

3.1.2 The waiting list for those waiting to receive assessment under the Deprivation of Liberty Safeguards is currently averaging around 3400 and this is increasing year on year.

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- 3.1.3 Previous and ongoing investment is ensuring the Service has capacity to focus on individuals at most risk, and start to address the increase in referrals and backlog. The productivity of the DoLS Service has been independently assessed as very good, it is the sheer volume of DoLS applications being received currently at 160 per week that means waiting lists remain high.
- 3.1.4 Devon now has the highest number in absolute terms of acute hospital applications of any local authority in the country and the 4th highest by proportion. DoLS waiting lists are a national concern.
- 3.1.5 Locally, work is taking place to bring together the co-ordination and assurance / oversight functions of the Council's statutory duties in relation to individuals experiencing a deprivation of liberty. This will include those deprived of their liberty in a community setting (e.g. in people's homes, supported living) and in twenty-four-hour care and health settings. Providing a central DoLS co-ordination service will ensure clear oversight and improve people's experience and outcomes, and further improve productivity.
- 3.1.6 We have centralised Safeguarding arrangements into a single hub to ensure more consistent triage and practice. Although increasing over 5 years, the concern rate is below, and enquiry rate significantly below benchmark indicating potential under reporting of concerns in health and care settings.
- 3.1.7 Safeguarding outcomes are positive with more people than is typical elsewhere saying their desired outcomes have been achieved, however, currently, there are 1093 open safeguarding concerns. Of the open concerns 49.3% (539) of them are open from 0-30 days, new referrals, 23% (247) are open 31 to 60 days and 27% (307) open over 60 days.
- 3.1.8 Waiting lists for Care Act needs assessments and financial assessments are too long, and reviews are not happening frequently enough. At the end of September 2024 there were 2500 people waiting for a Care Act Assessment and 4200 people overdue a Care Act review.
- 3.1.9 A Learning and Managing Effective Workflow programme has been established to improve care management productivity and reduce waiting times. Progress is being made with early signs of improvement.
- 3.1.10 Financial assessments are undertaken by the Client Financial Services team in the Finance and Public Value Directorate. As at the 21 October 2024, a total of 2,730 financial assessments were outstanding, consisting of 1,101 for residential clients and 1,629 for non-residential clients.

- 3.1.11 It is reasonable to expect that approximately 1,000 financial assessments will be outstanding at any given time, due to the regular inflow of cases and processing times. Taking this into consideration brings the number of financial assessments that could be considered as overdue to 1,730.
- 3.1.12 The current average time from the date of referral to the completion of a financial assessment is 123 days. The median is currently 84 days. Completion times and outstanding workload volumes have improved significantly following a restructure of Client Financial Services, upskilling of the workforce and the introduction of performance management targets.
- 3.1.13 We have maintained the progress made since January 2023 with approximately 90% reduction in the number of care hours that are waiting to be arranged. This means more people are receiving their preferred care, and less people receiving less optimal care such as a short-term care home placement, or additional and unnecessary time in hospital.
- 3.1.14 We have significantly improved capacity in the personal care market, including through international recruitment, but the change in legislation challenge is a cause for concern and risks undoing the progress made.
- 3.1.15 We are focussed on developing specialist solutions such as for the increasing number of people we support with dementia. We are working with the local care providers to ensure more people with more complex needs can remain in Devon.
- 3.1.16 Practice Quality Reviews (PQR) are a process in which staff take an objective and reflective look at each other's practice to support learning and improvement. PQRs are now re-established and embedded, but numbers are still below target.
- 3.1.17 Survey satisfaction ratings with adult social care in Devon remain in the top quartile of local authorities in England, and the CQC continues to rate the quality of the independent provider care market in Devon better than regional and national comparators.

3.2 CQC Inspection update

- 3.2.1 The CQC continues its inspection of local authority delivery of Care Act duties. At the time of writing 71/153 local authorities have either gone through the inspection process or at a point within the process.
- 3.2.2 If the current timelines are maintained, DCC can expect to be notified in the next 7 months and visited at the latest by Autumn 2025 as the CQC aims to complete the baselining period by Dec 2025.

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3.2.3 'Leadership' is one of four themes of the CQC inspection framework, and that extends to leadership beyond Adult Social Care and into the broader Council and Council Membership. During inspections CQC inspectors have been interviewing Members beyond the sitting administration. Through the Health and Adult Care Scrutiny Committee Members have had the opportunity engage and be prepared. This continues and I have arranged the first in a series of officer led preparedness session for nominated Members from each political group.

4. Performance and Partnerships

4.1 To support this report Members are directed to the In-year Directorate Briefing provided to the [Health and Adult Care Scrutiny Committee on the 21 November 2024](#) that provides a more detailed assessment of performance and finance.

4.2 Section 75 agreement between DCC and DPT for the provision mental health services

4.2.1 The Section 75 agreement underpins the partnership arrangement the Council has with Devon Partnership Trust. It helps create smoother, more coordinated care for people by working together with shared staffing arrangements to make services more efficient and effective. The Council's arrangements with DPT have been extended for another year with improvements made to be more effective and to improve access and outcomes for people receiving services governed by the agreement.

4.3 Better Care Fund (BCF)

4.3.1 The Better Care Fund (BCF) is a nationally mandated programme that supports local systems to deliver the integration of health and social care in a way that promotes person-centred care, sustainability and better outcomes for people and carers. It is a pooled budget between Devon County Council and Devon Integrated Care Board.

4.3.2 There is currently a forecast overspend of just under £4.3 million associated with the BCF. This is mainly the result of pressures within the Community Equipment Service. Work is underway to mitigate and reduce this risk, but the pooled budget arrangements mean that the Authority would be responsible for funding 50% of any end of year deficit. This £2.1 million forecast pressure, an improvement of £191,000 from month 4, is reflected within non-service items detailed within section 3.30 of the [Month 6 Budget Monitoring Cabinet Report](#).

4.4 Torbay and Devon Safeguarding Adults Partnership

- 4.4.1 The Partnership is a group of local organisations including local councils, health services, and police, that work together to protect vulnerable adults from harm. They focus on keeping people safe from abuse or neglect, especially those who might struggle to protect themselves, like older adults or people with disabilities.
- 4.4.2 Over the last 12 months 6 Safeguarding Adults Reviews have been published, each containing a number of key recommendations and learning to improve practice across multi-agency partners operations. The themes from these referrals include mental health, self-neglect, substance misuse, and neglect/acts of omission. Regular assurance is received from partners in relation to practice improvements.
- 4.4.3 There has also been a focus on '[Hidden Harm](#)', such as domestic abuse and control, with resources produced for front line staff, the delivery of effective multi-agency safeguarding training, improved multi-agency practice guidance for use by partners, development of a Multi-Agency Risk Management Meeting forum and a number of practitioner learning briefs developed and shared for operational use.

5. **Any Other Matters**

5.1 **The Autumn Budget Statement**

5.1.1 In the [Autumn Budget](#), the Chancellor made a number of adult social care specific announcements, and also a number of broader announcements that will impact adult social care. At this point the full implications are unclear, and we are waiting for further details to better understand the impact and subsequent actions locally:

- Increase in grant funding includes £600M for social care (adults and childrens) nationally.
- Increased [Disabled Facilities Grant](#) of £86M nationally.
- 60,000 more unpaid carers nationally will qualify for [Carers Allowance](#) after a rise in the earnings threshold from £151 to £183. The equivalent of working 16 hours at the National Living Wage.
- An additional £233M to District Authorities for homelessness, up to £1B in 2025-26 nationally.
- National Insurance increase from 13.8% to 15%, decreased threshold from £9,100 to £5,000. The government is expected to compensate public sector organisation for direct impacts.
- The government is investing £115 million in 2025/26 in the [Connect to Work employment support scheme](#), to help match people with disabilities or health conditions into vacancies. A 'Get Britain Working' White Paper will shortly be published with £240 million of investment to trial new ways of getting people back to work.

Councillor Bullivant
Cabinet Member for Integrated Adult Social Care and Health

Revised Member Complaints Process

Report of the Director of Legal and Democratic Services

Recommendation:

That the Committee be asked to endorse the revised Member Complaints Process, based on the Local Government Association Model Code, for recommendation to the Council, prior to publication to the Council's website.

1) Summary

1.1 As part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Council's Code of Conduct and the process of dealing with Members Complaints be reviewed.

1.2 A wholesale review of both processes have therefore been undertaken, at Member Development Days and by the Governance Working Group and the Standards Committee.

1.3 The aim of the work strand was to ensure that both the Council's Code of Conduct and the processes for reviewing and dealing with complaints against elected Members were appropriate and fit for purpose.

2) Introduction and Background (Code of Conduct)

2.1 Both the Council's Code of Conduct and the mechanisms for dealing with complaints have been regularly reviewed in the past.

2.2 The Standards Committee (4th November 2021) had reviewed the Local Government Association (LGA) Model Code of Conduct and agreed at the time that a revised Code of Conduct would be produced rather than adopting the LGA Model Code in its entirety. At that time, the Council's Code had been regularly updated in the previous two years in line with national best practice and it therefore covered most elements (and in some case more) than the LGA Model Code.

2.3 At the Committee meeting in March 2022, the Standards Committee considered an updated Code of Conduct based on Members' suggestions at the meeting in November 2021. These updates aimed to strengthen the current Code by inclusion and consideration of issues such as introductory statements, clearer definitions, application of the Code, social media, strengthening harassment definitions, gifts and hospitality and compliance with the Code and sanctions as well as declarations of interests.

2.4 The new Code was adopted by the Council in May 2022.

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2.5 At the Member Development Day in November 2023, a Mentimeter was undertaken to assess and take views on the Code. The consensus of opinion was that the Code was fit for purpose and sensible but that the arrangements for dealing with complaints required further consideration.

2.6 Following that Member day, the Standards Committee conducted its annual review of the Code of Conduct in March 2024. Members felt the Code had been thoroughly reviewed and RESOLVED it was appropriate and fit for purpose for Devon.

3) Introduction and Background (Councillor Complaints Process)

3.1 The Standards Committee in March 2022 had reviewed the process for dealing with Member Complaints, whilst also considering the LGA Guidance on Complaints Handling. This was a very detailed document designed to assist monitoring officers, to carry out investigations, giving advice on matters such as carrying out interviews and how these should be conducted and how a report should be compiled for example.

3.2 At that time, the Committee did not adopt the LGA guidance but agreed some changes which were intended to streamline and clarify the process by reducing the wordy nature of it and also incorporate an assessment criteria and public interest tests as appendices to the guide.

3.3 The revised wording of the complaints process was presented to the Standards Committee on 8 July 2024. However, a number of changes had been suggested so the Committee agreed to defer the item to allow these changes to be considered.

4) Consultations / Representations / Technical Data

4.1 In March 2024, the Governance Working Group undertook its first review of the Council's current Code of Conduct and complaints procedure and set out what some other Local Authorities used as their processes. The purpose was to consider whether a more streamlined, transparent, and effective process that encouraged member co-operation would be a better fit and also reflect some of the complexities of the complaints received in recent times.

4.2 The Governance Working Group considered the feedback from the Member Development day about the current complaints process. Whilst some of the comments were supportive of the current regime (sufficient, adequate, fair), others felt it was slow, disproportionate, intimidating and unfair, demonstrating the need for review.

4.3 Some of the suggestions for improvement included more flexibility, a hearings style approach, for Independent Persons to attend hearings, template documents and decision notices.

4.4 The Governance Working Group held a discussion at its meeting on 13 May 2024 and considered an initial draft for arrangements for dealing with standards allegations under the Localism Act.

4.5 Some of the highlights of the new guidance was that more control should be given to the Monitoring Officer to ensure complaints that were petty or vexatious in nature could be resolved at an earlier stage. Complaints could be resolved mid-way through a process if appropriate to do so, rather than there being no mechanism for the Monitoring Officer to take a pragmatic view if matters changed during the course of an investigation. Members were also supportive of the move towards a 'hearings' style rather than the current closed Committee process. The Member under investigation would be able to attend the hearing as would the Independent Person, but hearings would still remain closed to the public.

4.6 Members also felt breaches of the code should be transparent on the website and supported the approach of publication thereof on a Members profile page, with reference to any decision notices.

4.7 The Governance Working Group noted that the revised document would be circulated to all Members ahead of the Member Development Day, on the 11th of June, for final feedback.

4.8 The Director of Legal and Democratic Services undertook a further Mentimeter and all Members present were supportive of the proposed changes.

4.9 An initial draft of the Councillor complaints process had been shared with the Standards Committee on the 8th July 2024, but the Committee agreed to defer the item pending consideration and clarification of some of the proposed wording.

5) Proposals / Changes to the Complaints Procedure

5.1 The revised complaints process is attached for review and discussion.

5.2 This revised guidance sets the context for complaints and how they should be submitted, addresses issues of confidentiality, the preliminary tests that will be applied including legal thresholds, initial assessments and the public interest.

5.3 Also included in the new process is a revised complaints form, protocol for dealing with investigations into Standards allegations under the Localism Act 2011, Decision Notice (Appendix 1), Investigation plan (Appendix 2), draft statement template (Appendix 3), Interview plan (Appendix 4), Investigation plan review (Appendix 5), Decision Notice to cease an Investigation (Appendix 6) and a Comments Assessment Matrix (Appendix 7).

5.4 Members will note that some of the appendices attached to the guidance are documents intended to support the investigation process and will be used in the main by investigating officers. Nonetheless, it is important the Committee has sight of the whole suite of documents to be used to complete a complaint against an Elected Member of Devon County Council.

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6) Strategic Plan

6.1 This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

7) Financial Considerations

7.1 There are no financial considerations.

8) Legal Considerations

8.1 Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution, which includes the Code of Conduct.

8.2 Standards for England, the former national regulator, was abolished in 2012 and in common with all Councils across the country, the Council became responsible for administering its own code of conduct. Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations of failure to comply with the authority's Code of Conduct can be considered and decisions made on such allegations.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

9.1 There are no environmental related issues.

10) Equality Considerations

10.1 There are no equality related issues.

11) Risk Management Considerations

11.1 No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

12.1 The Standards Committee is asked to note the detailed work of the Governance Working Group and Members in undertaking this review. The recommended changes to the complaints framework have been carefully considered and are therefore commended to the Committee for their endorsement and subsequent recommendation to the Council for adoption.

Name - Director of Legal and Democratic Services – Maria Price

Electoral Divisions: All

Local Government Act 1972: List of background papers - NIL

Contact for enquiries - Karen Strahan (Head of Democratic Services): 01392 382264, G31, County Hall, Exeter, EX2 4QD

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Arrangements for dealing with Standards Allegations under the Localism Act 2011

1. Context

These “Arrangements” set out how to make a complaint that an Elected or Co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct. There is a separate procedure for dealing with Whistleblowing complaints.

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or Co-opted member of the authority, or of a Committee or Sub-Committee, has failed to comply with the Code of Conduct, can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a subject member.

2. The Code of Conduct

The Council has adopted a Code of Conduct for members, which is available for inspection on the [authority's website](#) (section 6a of the Constitution) and on request from committee@devon.gov.uk

3. Making a complaint

To make a complaint, please write to or email –

Monitoring Officer Director of Legal And Democratic Services (Maria Price – monitoringofficer@devon.gov.uk)

The Monitoring Officer is a statutory and senior officer of the authority who has a legal responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In the event of there being a conflict of interest in relation to both the Monitoring Officer and Deputy Monitoring Officer, the Monitoring Officer will, in consultation with the Chief Executive, seek to appoint another Deputy Monitoring Officer, or alternatively, refer the matter to a Monitoring Officer from another Authority.

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Complaints should be submitted using the Complaint Form for Allegation of Breach(es) of Code of Conduct for Members.

In order to ensure that all the information needed to be able to process a complaint is included, please complete and send the complaint form, which can be downloaded from the authority's website ([insert form](#)), and is available on request from members.services@devon.gov.uk

The complainant should provide their name and a contact address or email address, so that the complaint can be acknowledged and they can be kept informed of its progress. The subject member will, in normal circumstances, be told from the outset who has complained about them.

If the complainant wants to keep their name and address / email confidential, they should indicate this in the space provided on the complaint form. This request will be considered by the Monitoring Officer prior to the Member being notified that a complaint has been made.

Each request for confidentiality will be considered on its merits and in determining such a request the following will be considered:

- Whether the complainant reasonably believes that they, or those connected to them, will be at risk of harm if their identity is disclosed.
- Whether the complainant is alleging harassment, bullying, or victimisation.
- That the complainant is reasonably concerned about the consequences to their employment, or those connected to them if their identity is disclosed.
- That the complainant, or somebody closely connected to them, suffers from a medical condition and there is evidence of medical risks associated with their identity being disclosed or confirmation from an appropriate medical professional that that is the case.

If it is not considered appropriate to grant a request for confidentiality the complainant will be offered the opportunity to withdraw the complaint rather than proceed with it. Complainants must recognise that maintaining confidentiality may hinder the effectiveness of any investigation.

The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. These are complaints where the complainant cannot be identified i.e. submission of a unsigned letter or an email with no name / address etc.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

4. Staff Complaints Against Elected Members

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Any member of staff (including schools staff) within Devon County Council can report information to the Monitoring Officer and / or make a complaint against an Elected Member. In line with section 3, they can request their details be kept confidential, and this is a matter for the Monitoring Officer.

5. Will your complaint be investigated?

Preliminary tests

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint.

The complaint will be assessed by the Monitoring Officer, or in their absence the Deputy Monitoring Officer, in consultation with the Independent Person (see paragraph 12 – ‘Who is the independent person?’ for further information) against the Stage One Legal Threshold set out in paragraph 5.1 and, if applicable, the Stage Two Initial Assessment test set out in paragraph 5.2 below.

5.1 Stage One - Legal Threshold:

- (a) Was the person complained of a Member of the Council at the time of the alleged conduct?
- (b) Was the person complained of acting in the capacity of a County Councillor at the time of the alleged conduct?
- (c) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct in force at the material time?

Complaints about Councillors when they are acting in a private capacity cannot proceed and the Monitoring Officer will not progress complaints relating to dissatisfaction with the Council’s decisions, policies and priorities.

If the complaint fails one or more of the Stage One Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

5.2 Stage Two – Initial Assessment

If the complaint satisfies the Stage One Legal Threshold test, the Monitoring Officer will then apply the following Initial Assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (c) The complaint is malicious, trivial, politically motivated or 'tit-for-tat' and the complaint doesn't disclose sufficiently serious potential breaches of the code;
- (d) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (e) The alleged misconduct happened more than 6 months ago;
- (f) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph 16;
- (g) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (h) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (i) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (j) The complaint is about a deceased person;
- (k) The complaint is about a person who is no longer a Councillor.

If one or more of the Stage Two Initial Assessment test applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

If the complaint identifies alleged criminal conduct or breach of other regulations by any person, the Monitoring Officer may also refer the matter to the Police and other regulatory agencies. The Monitoring Officer has the ability to raise any such matter with the whips.

If none of the criteria in the Stage Two Initial Assessment apply, the Monitoring Officer will go on to apply the Public Interest Test at 5.3.

5.3 Stage 3 – Public Interest Test

Public interest is regarded as "something which is of serious concern and benefit to the public". It has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public.

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The Council is of the view that it should not use its resources to investigate matters which are trivial or which have little or no impact upon the public. It is important that the Council focuses on investigations where matters are serious and capable of undermining the relationship between councillors and the public they serve such as; corruption, bullying, damaging the Council's public image, bringing the Council into disrepute, or the misuse of power in public office.

When applying the public interest test, the Monitoring Officer and Independent Person shall consider each of the following public interest factors set out below. These factors are not exhaustive, and not all may be relevant in every case.

The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

- the seriousness of the breach, for example, has the Subject Member brought the Council seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required. Robust challenge is, however, part of a Members role and a balanced approach therefore needs to be taken;
- has the Subject Member deliberately sought personal gain for themselves or another person? If there is evidence of this, it is likely that the complaint will be investigated and referred for further hearing;
- are the circumstances of the alleged breach such that a Subject Member has misused a position of trust or authority and caused harm to a person? If there is evidence of this it is likely that the complaint will be investigated and referred for further hearing;
- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a Subject Member's conduct is believed to be motivated by any form of discrimination it is likely that the complaint will be investigated and referred for further hearing;
- is there evidence of previous similar behaviour on the part of the Member? If so and the matter complained about is serious enough it is likely that the complaint will be investigated and referred for further hearing;
- is the alleged breach such that an investigation or referral to the Standards Committee is required to maintain public confidence in elected Members? If so it is likely that the complaint will be investigated and referred for further hearing
- and is investigation or referral to the Standards Committee a proportionate response? namely, would the cost of an investigation or

hearing by the Standards Committee be regarded as excessive when weighed against any likely sanction?

6. What happens once the Monitoring Officer has reached a decision?

Where the Monitoring Officer has taken a decision, they will inform the complainant of their decision and the reasons for that decision. The Monitoring Officer must consult with the Independent Person before deciding whether or not a formal investigation should be undertaken.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request further information from the complainant, and may request information from the subject member against whom the complaint is directed.

The subject member, may speak to the Independent Person at any stage in the process. This could be to provide a view on the complaint itself, the process under which the complaint will be dealt with or to provide a view on any other query the subject member may have relating to the complaint. An Independent Person's role is not to act as an 'advisor' to the Subject Member. The Independent Person cannot tell a Subject Member what to do, but is able to give their views on the facts of the case, on the alleged breach and the process.

Local Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the subject member accepting that their conduct fell short of the usual standards expected and they offer an apology, or other remedial action.

Where the subject member or the authority make a reasonable offer of local resolution, but the complainant does not agree with that offer, the Monitoring Officer will take account of those views, in consultation with the Subject Member, in deciding whether the complaint merits formal investigation.

The Monitoring Officer will complete a decision notice, whether or not a matter is to be investigated, which will outline the reasons for the decision.

The Monitoring Officer will normally only decide to investigate a complaint about alleged conduct that happened within six months of the date of receipt of the complaint.

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7. Referral for Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer/Officers, who may be another senior officer of the authority, an officer of another authority or an external investigator. However, investigators external to the Authority will only be used in a very limited number of circumstances. Occasions such as these will be when an investigation requires someone who is completely independent of either Devon County Council or any Local Authority. The Monitoring Officer will need to make a judgement balancing the resources of the Council and the scale and nature of the complaint.

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so the complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The investigation will be completed in accordance with the Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011, which is appended to these arrangements.

The Investigating Officer would normally write to the subject member against whom the complaint has been made and provide them with details of the complaint, within 5 working days of being appointed.

The Subject Member has the opportunity to provide an explanation of events, identify any documents they believe the Investigating Officer needs to see and who should be interviewed. This should be done within 10 working days of receiving the details of the complaint from the Investigating Officer.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the subject member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the subject member.

The Investigating Officer may ask the subject member to attend an interview about the complaint. The subject Member may be accompanied if they chose to bring someone to support them. The interview may be audio recorded or recorded on Teams if the meeting takes place remotely. Agreement on recording such meetings, by either party, will be sought in advance.

The disclosure of any evidence to anyone involved in the investigation at any stage is a matter for the Investigating Officer. However, the Investigating Officer must have regard to the rules of natural justice and ensuring fairness to all parties concerned. Any concern about the disclosure of evidence, particularly to

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the subject Member, must be discussed with the Monitoring Officer, and the Subject Member informed.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage.

The Investigating Officer will endeavour to complete their investigation within 8 weeks (40 working days). However, they *may*, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

- Medical reasons relating to the Subject Member. The Investigating Officer may wish to see evidence which specifically addresses why the subject member cannot engage in the investigation. The Investigating Officer will also maintain the confidentiality of personal health matters;
- To allow the Subject Member to seek legal advice and representation;
- In consideration of any personal or family circumstances of the subject member that impacts on their availability or ability to engage at the initial stage.
- Other exceptional circumstances determined on a case by case basis e.g. availability of a key or material witness.

Any extension will be determined by the Investigating Officer who will confirm the new timetable and notify the relevant parties.

The Investigating Officer reserves the right to proceed with the investigation in the absence of engagement of the subject member if they are satisfied that reasonable opportunity has been given to the subject member to engage in the process.

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the Subject Member normally within 5 working days.

The background evidence gathered during the course of the investigation should be listed as background papers / evidence within the Report. These do not usually form part of the Report in their raw form, unless the contents are deemed essential to understanding the investigation and outcome. These are not usually disclosed to the complainant or the subject member at this stage, but a request can be made to view them, subject to any confidentiality issues being observed.

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The complainant and the subject member will be given a period of 10 working days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate. The Investigating Officer will send their final report to the Monitoring Officer, within 10 working days.

8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the subject member, notifying them that they are satisfied that no further action is required, and provide both with a copy of the Investigating Officer's final report. If the Monitoring Officer has concerns about the conduct of an investigation or the investigation report, they may ask the Investigating Officer to reconsider their report. The Monitoring Officer may consult the Independent Person about this and the subject Member should be informed.

9. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

9.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant. If the complainant does not agree with the suggested resolution, the Monitoring Officer will take account of their views in deciding whether to proceed with the local resolution or refer it for a local hearing. It is, however, the Monitoring Officer's decision. The purpose of the local resolution is to ensure higher standards of conduct for the future. Such resolution may include the subject member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

The range of resolutions that can be imposed is wide and each resolution will be tailored to fit the particular behaviour that has resulted in a breach of the Member Code of Conduct, for example, training on a specific issue. The Monitoring Officer will set a reasonable timescale for compliance with the local resolution.

If the subject member complies with the suggested resolution, within the timescale set by the Monitoring Officer, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If the subject member fails to comply with the resolution within the timescale set, the matter will be referred to the Standards Committee.

The breach of the Member Code of Conduct and the resolution imposed will be publicised on the subject member's profile on the Council's website for a period to be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a subject member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

9.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or the subject member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a local hearing before deciding whether the subject member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the subject member. The local hearing will normally take place within 30 working days of the decision to proceed to a local hearing being made.

Within 5 working days of the decision being made to proceed with a local hearing, the Monitoring Officer shall provide the complainant and the subject member with a copy of the bundle containing the supporting evidence.

The Monitoring Officer will conduct a "pre-hearing process", requiring the subject member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the subject member has failed to comply with the Member Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Committee. The subject member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Committee as to why they consider that they did not fail to comply with

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the Member Code of Conduct. There is no cross examination, but points of clarification can be raised if required. Both the complainant and subject member will be asked to sum up at the end of the hearing.

If the Committee, with the benefit of any advice from the Independent Person, conclude that the subject member did not fail to comply with the Member Code of Conduct, they may dismiss the complaint. If the Committee concludes that the subject member did fail to comply with the Code of Conduct, the Chair will inform the subject member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the subject member's failure to comply with the Code of Conduct.

In doing this, the Committee will give the subject member an opportunity to make representations to the Committee, and in line with above, with the benefit of any advice from the Independent Person.

10. What action can the Standards Committee take where a member has failed to comply with the Member Code of Conduct?

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee, will publish the breach of the code of conduct and the sanction imposed on the subject member's profile on the Council's website for a period of time to be determined by the Committee, which is to be no less than the time required for compliance with any sanction. If a subject member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved. The Committee will also report its findings to Council for information.

The Standards Committee may –

- 10.1 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the subject member be removed from any or all Committees or Sub Committees of the Council;
- 10.2 Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 10.3 Instruct the Monitoring Officer to arrange training for the subject member;
- 10.4 Recommend to Council to remove the subject member from all outside appointments to which they have been appointed or nominated by the authority;

- 10.5 Consider withdrawing facilities provided to the subject member by the Council, such as a computer, website and/or email and Internet access, but only if the breach of the Code warrants such a sanction. There would be a requirement to ensure constituents were represented and solutions needed to ensure this continued;
- 10.6 Exclude the subject member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 10.7 Recommend to the Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion.
- 10.8 Instruct the Monitoring Officer to apply the informal resolution process.
- 10.9 Recommend the Council to issue a press release or other form of publicity.
- 10.10 Recommend that the subject member makes an apology at the next full Council meeting.
- 10.11 Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

The Standards Committee has no power to suspend or disqualify the subject member or to withdraw Members' or special responsibility allowances.

11. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Committee as to whether the subject member failed to comply with the Member Code of Conduct and as to any actions which the Committee resolves to take.

As soon as reasonably practicable thereafter, and normally within 5 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee, and send a copy to the complainant and to the subject member and will make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

If the Subject Member complies with the sanction imposed by the Standards Committee, within the timescale set, the Monitoring Officer will report the matter to the Standards Committee for information. If the Subject Member fails to comply with the sanction within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

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12. Who are the Standards Committee?

The Standards Committee is appointed each year by the Council. Details of the current membership of the Committee can be found on the Council's website - [Standards Committee - Democracy in Devon](#).

The Independent Persons are invited to attend all meetings of the Standards Committee and their views are sought and taken into consideration before the Standards Committee takes any decision on consideration of an investigation report on whether the Subject Member's conduct constitutes a failure to comply with the Member Code of Conduct and as to any action to be taken following a finding of failure to comply with the Member Code of Conduct.

13. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post and is appointed formally by the Council.

A person cannot be "independent" if they –

- 13.1 Are, or have seen within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Are a relative, or close friend, of a person within paragraph 13.1 above.

For this purpose, "relative" means –

- 13.2.1 Spouse or civil partner;
- 13.2.2 Living with the other person as husband and wife or as if they were civil partners;
- 13.2.3 Grandparent of the other person;
- 13.2.4 A lineal descendent of a grandparent of the other person;
- 13.2.5 A parent, sibling or child of a person within paragraphs 13.2.1 or 13.2.2;
- 13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or
- 13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

14. Publication of Standards Investigations

The Council acknowledges that there is a need to balance the public interest in transparency of these types of matters with the requirement of fairness to a member who is subject to an allegation.

The contents of the initial assessment of a complaint and the investigation will remain confidential.

When a matter progresses to a local hearing before the Committee of the Standards Committee, in 'Part II or closed' session and information relating thereto will be considered exempt under the provisions of the Local Government (Access to Information) Act 1985 and Schedule 12A of the Local Government Act 1972, subject to the application of the public interest test, as appropriate.

Data protection requirements will be complied with and may prevent the public disclosure of information relating to complaints. Consideration will also be given to the disclosure of the papers prior to and or after the hearing and whether any redactions of the papers need to be made.

15. Access to Information during an Investigation

During an investigation and any subsequent hearing, it is important to ensure that information and evidence that has been gathered, is kept confidential in order to protect the integrity of the process. With that in mind, the access to certain information will be restricted.

15.1 Subject Access Requests

The Data Protection Act 2018 and UK GDPR entitles individuals (both members of the public and employees) to access personal data held about them by Devon County Council. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Council can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions.

Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Council's Information Governance Team and if necessary, the Data Protection Officer.

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15.2 Freedom of Information Requests

The Freedom of Information Act 2000 places a statutory requirement on Devon County Council to provide information to the public. Any individual has a right to request information held by the Council, regardless of where they reside. This right also extends to employees, pressure groups, businesses, politicians and members of the press. There are certain circumstances where information is exempt from disclosure. Information which has been obtained during an investigation under these arrangements is likely to be exempt as it is likely that the information is being held for the purposes of a criminal investigation; is or has been held for criminal proceedings conducted by a public authority; or was obtained or recorded for various investigative functions and relates to the obtaining of information from confidential sources.

The information described is exempt only where the public authority has a duty, or the power, to carry out investigations. The Council does have a duty and/or power to carry out an investigation in accordance with the Localism Act 2011, therefore, if a Freedom of Information Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Access to Information Team of the Council.

16. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and delegate to the Chair of the Standards Committee, in consultation with the Monitoring Officer as appropriate, the right to depart from these arrangements in exceptional circumstances (as far as they relate to the business of the Standards Committee for the administration of the fair hearing of a matter) where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

There shall be a desktop review of the Code of Conduct and these Arrangements undertaken by the Committee annually.

17. Appeals

There is no right of appeal against a decision of the Standards Committee.

If the Complainant or Subject Member feels that the authority has failed to deal with the complaint properly, they may seek independent legal advice.

Glossary of Key Terms

Complainant(s)	The person/people making the complaint.
Preliminary tests and assessment stages.	The process undertaken by the Monitoring Officer to determine if a complaint merits formal investigation. There are three assessment stages; legal threshold, initial assessment and public interest.
Local Hearing	A meeting of the Standards Committee at which they consider whether the “Subject Member” has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person’s views before it takes a decision on a complaint that it has decided to investigate. The Independent Person’s views can also be sought by the Council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice to a Subject Member.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Monitoring Officer	The Monitoring Officer is a senior (statutory) officer of the council who has statutory responsibility for maintaining the register of councillors’ interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
Public Interest	Public interest considerations are part of the assessment of the complaint.
Subject Member	The Councillor against whom an allegation has been made.
UK GDPR	The UK General Data Protection Regulation (Regulation (EU) 2016/679)

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COMPLAINT FORM

Allegation of Breach(es) of Code of Conduct for Members

Your details

1. Please provide us with your name and contact details. Anonymous complaints may be investigated if they indicate a potentially exceptionally serious or significant matter and the complaint is accompanied by sufficient documentary or other supportive evidence.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.
- The Independent Person
- Standards Panel and parties to any Hearing

A summary of your complaint will be shared with the subject member and their representative.

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If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section 6** of this Form and you may also discuss your reasons or concerns with the Council's Monitoring Officer.

Reference to member also includes a co-opted member of the Council.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of the Standards Committee
- A Member of Parliament
- Chief Executive or Council employee, contractor or agent of the Council.
- A Monitoring Officer
- Other ()

3. Equality Monitoring Form - Please complete the Form attached at the back.

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct for Members of the Council:

Title	First name	Last name

5. Please explain in this section (or on separate sheets) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the alleged breach(es).

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Deputy Monitoring Officer when they decide whether to take any action on your complaint. For example:

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- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

Complete on separate sheet(s), as necessary

Please identify, if possible, which part of the Members Code of Conduct you consider has not been complied with.

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances that indicate that this should be done (please see Information for Potential Complainants).

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer/Deputy will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your personal and complaint details even if you have expressly asked us not to.

Please be aware that there is a Confidential Informant Process for

Devon County Council employees; any member of staff within Devon County Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion. Please see a copy of the Council's 'Arrangements for dealing with standards allegations under the Localism Act 2011' or speak to the Monitoring Officer for full details.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint.

7. **Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.**

(Continue on separate sheet(s), as necessary)

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8. Please indicate whether you have raised your complaint directly with the Member concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

Additional Information

9. Complaints must be submitted in writing. This includes electronic submissions. Please use this Form to submit your complaint.
10. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
11. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.
12. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered in accordance with these Arrangements. You will be notified of the decision and any further stages in the process.

Please return your completed form to:

13. members.services@devon.gov.uk Monitoring Officer

Equality Monitoring Form Information for Monitoring Purposes Only

Ethnic Classification Categories to be used by DCC

1. **White**

- British
- Irish
- Any other White background (please write in)

2. **Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background (please write in)

3. **Asian or Asian British**

- Indian
- Sikh
- Pakistani
- Bangladeshi
- Any other Asian background (please write in)

4. **Black or Black British**

- Caribbean
- African
- Any other Black background (please write in)

5. **Other ethnic group**

- Chinese
- Yemeni
- Any other (please write in)

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Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011

1 Context

This protocol is to be used when conducting investigations into standards allegations under the Localism Act 2011. It should be read in conjunction with the Council's Arrangements for dealing with standards allegations under the Localism Act 2011.

2 Steps of the investigation Initial Decision

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

The Monitoring Officer will complete a decision notice, which can be found at appendix 1, whether or not a matter is to be investigated, which will outline the reasons for the decision. This will be sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

If the Monitoring Officer decides that the complaint merits investigation, investigators will be appointed.

Investigation Procedure

At the beginning of the investigation an investigation plan will be completed by the investigators overseen by the Monitoring Officer, which can be found at appendix 2. The plan will identify key dates, behaviour alleged, the relevant parts of the code of conduct, issues for determination, evidence required/obtained and the witnesses to be interviewed.

When witnesses are interviewed, a statement will be taken from them which they will be able to check and sign. The format for such a statement can be found at appendix 3.

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It is likely that the subject member will be interviewed at the end of the investigation; however this will be decided on a case by case basis. The interview may be tape recorded or recorded on MS Teams if the interview takes place remotely, unless the subject member objects to this. This ensures that there is no ambiguity as to the matters discussed in interview. A template interview plan can be found at appendix 4

The investigation will be reviewed on a fortnightly basis by the investigators, in consultation with the monitoring officer. The investigation review sheet will be completed on each occasion, which can be found at appendix 5.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage. The Monitoring Officer will complete a Decision Notice to Cease an Investigation, which can be found at appendix 6.

Completion of Investigation

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 working days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 10 working days to comment on the draft report.

Having received any comments, the Investigating Officer will assess them and complete a Comments Assessment Form which can be found at appendix 7. Once the Investigating Officer has completed this analysis and made any necessary amendments to the report, the Investigating Officer will send their final report to the Monitoring Officer.

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APPENDIX 1

Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011

Reference:

Complainant(s):

Subject Member:

Person Conducting the Assessment :

Date of Assessment:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Devon County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Stage One - Legal Threshold

The Monitoring Officer shall determine whether any of the Stage One – Legal Threshold criteria test are met as set out in paragraph 5.1 of the Arrangements.

Stage Two Initial Assessment

The Monitoring Officer shall determine whether any of the Stage Two – Initial Assessment criteria test are met as set out in paragraph 5.2 of the Arrangements.

Public Interest Test

The Monitoring Officer shall apply the Public Interest Test in accordance with paragraph 5.3 of the Arrangements.

Decision

Having consulted and considered the views of the Independent Person, the Monitoring Officer decided to [refer the complaint for investigation] [offer a local resolution] [take no further action].

At this stage, the Monitoring Officer is not required to decide if the Members Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

If referring for Investigation

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

Parameters of Investigation

[Include brief instruction to investigators on the scope of the investigation; possible witnesses, relevant documents, issues to focus on and timescales]

If referring for Local Resolution:

The terms of the local resolution are as follows [insert terms that subject member must comply with]

Compliance with these terms is required within [insert weeks] of this decision notice.

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the Standards Committee for hearing.

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If No further action

The Monitoring Officer has decided that no further action will be taken in relation to this complaint and therefore the matter is concluded.

Notification of decision

This decision notice is sent to the:

- Complainant
- Subject Member
- Investigator

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Signed:

Date:

Print name:

Monitoring Officer of Devon County Council.

**The Monitoring Officer
Devon County Council
County Hall**

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APPENDIX 2 - Investigation Plan For Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Date received by monitoring officer:	
Date referred to investigator:	

Subject member:		Complainant:	
Authority:	Devon County Council	Investigator:	

Target for monitoring officer's receipt of draft report

Date due:	
Notes	

Target for issue of draft report

Date due:	
Notes	

Target for issue of final report

Date due:	
Notes	

Case analysis

Behaviour alleged	
--------------------------	--

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Relevant Code paragraphs	
Issues for determination	
Evidence required	
Evidence obtained	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Other Matters

Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.

Completed by:

Date:

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APPENDIX 3

Statement of

Interview Date:		Place of Interview:	
People Present:			

This statement consisting of pages is true to the best of my knowledge and belief.

I understand that I may be required to give evidence should a hearing be held. I also understand that this statement may be used in all procedures related to this matter and other connected matters. I am aware that a copy of this statement may be disclosed to others as part of these and related proceedings.

I am the above named person and understand that I have been asked to provide this statement in relation to allegations made against [name of subject member]....

I have been asked about the allegation that

Signed.....

Dated

APPENDIX 4
Interview Plan For Dealing with Standards Allegations Under the
Localism Act 2011

Case No:

Interviewee:	
---------------------	--

Subject member:		Interviewer:	
Authority:	Devon County Council	Date:	

Nature of complaint

Purpose of interview

Facts already established (which relate to purpose of interview)

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Facts to be established (which relate to purpose of interview)

Record of disclosure to witness before interview

Planned disclosure to witness during interview

Areas to be covered in interview	Key questions

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APPENDIX 5 - Investigation Plan Review Sheet For Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Date:	
Investigator:	

Subject member:		Complainant:	
------------------------	--	---------------------	--

Reason for Review

<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

Details relating to above

--

Review of Targets

Revised draft report target:	
Revised date of final report target:	

Reasons for revisions

--

Completed by:

Date:

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APPENDIX 6 - Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011 to Cease an Investigation

Reference:

Complainants:

Subject Member:

Person Conducting the Assessment:

Date of Assessment:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Devon County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Original Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation on the [insert date].

Investigation Summary

The investigation began on the [insert date]. To date, the investigation has revealed that [insert brief description of what has happened in the investigation so far].

Decision to Cease Investigation

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to cease the investigation. The reasons for this decision are as follows [insert reasons].

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Notification of decision

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Signed:

Date:

Print name:

Monitoring Officer of Devon County Council

The Monitoring Officer

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APPENDIX 7 - Comments Assessment Matrix For Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Date:			
Investigator:			
Subject member:			Complainant:
Comments Made by:			
Date Received:			

Comment Received	Response	Amendment Necessary?

SCHOOL TRANSPORT APPEALS COMMITTEE

2 September 2024

Present:-

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

*** 128 Declarations of Interest**

No declarations were received, over and above the other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities.

[A list of county councillors who are also district, borough, city, parish or town councillors](#)

*** 129 Minutes**

RESOLVED that the minutes of the meeting held on 8 July 2024 be signed as a correct record.

*** 130 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.

*** 131 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.

*** 132 Deferred Appeals**

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

Agenda Item 14.(a)

2

SCHOOL TRANSPORT APPEALS COMMITTEE

2/09/24

No appeals had been determined under urgency procedures as there were no Members' route walks arising from the last meeting.

* 133 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:-

ST282	Exminster - Matford Brook Academy	Appellant and Local County Councillor
ST279	Cullompton - Exeter Southbrook	Appellant
ST281	Ashburton - Highweek Primary	Appellant
ST277	Exeter - Ellen Tinkham	Appellant and Local County Councillor
ST280	Exeter - Exmouth CC	Appellant and Local County Councillor
ST283	Exeter - Ellen Tinkham	Appellant

RESOLVED:-

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

ST279	Cullompton - Exeter Southbrook
ST281	Ashburton - Highweek Primary
ST280	Exeter - Exmouth CC

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

ST277	Exeter - Ellen Tinkham
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(c) that in respect of the following appeal, the Committee declined to exercise discretion to provide school transport assistance as specified. However, in light of the further possible option(s) now raised, the Committee:-
Resolved: that Transport Officers continue to work with the Appellant to find an amicable solution, as articulated at the meeting:-

ST283	Exeter - Ellen Tinkham
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(d) that the following appeal(s) be deferred for members' route inspection:-

ST282 Exminster - Matford Brook Academy.

NOTES:

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

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

The Meeting started at 10.25 am and finished at 4.00 pm

SCHOOL TRANSPORT APPEALS COMMITTEE

7 October 2024

Present:-

Councillors C Slade (Chair), P Henderson and C Whitton

Apologies:-

Councillors J Hawkins and P Sanders

*** 134 Declarations of Interest**

No declarations were received, over and above the other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities.

[A list of county councillors who are also district, borough, city, parish or town councillors](#)

*** 135 Minutes**

RESOLVED that the minutes of the meeting held on 2 September 2024 be signed as a correct record.

*** 136 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.

*** 137 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.

*** 138 Deferred Appeals**

Agenda Item 14.(b)

2

SCHOOL TRANSPORT APPEALS COMMITTEE

7/10/24

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

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

ST282	Exminster-Matford Brook Academy	Route available, appeal refused.
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* 139 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:-

ST290	Axmouth to Sidmouth College	Appellant
ST284	Berrynarbour to Ilfracombe Academy	Appellant
ST285	Wembury to Coombe Dean, Plymouth	-
ST287	Starcross to Teignmouth College	-
ST288	Starcross to Teignmouth College	-
ST289	Hatherleigh to Barnstaple, Lampard School	Appellant and Local Councillor
ST292	Fremington to Barnstaple, Lampard School	Appellant and Local Councillor
ST293	Fremington to Barnstaple, Lampard School	Appellant
ST291	Yealmpton to S Devon College	-

RESOLVED:-

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

ST290	Axmouth to Sidmouth College
ST287	Starcross to Teignmouth College

ST292 Fremington to Barnstaple, Lampard School

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

ST284 Berryarbour to Ilfracombe Academy

ST285 Wembury to Coombe Dean, Plymouth

ST288 Starcross to Teignmouth College

ST289 Hatherleigh to Barnstaple, Lampard School

ST293 Fremington to Barnstaple, Lampard School

ST291 Yealmpton to S Devon College.

NOTES:

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

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

The Meeting started at 9.30 am and finished at 3.30 pm

SCHOOL TRANSPORT APPEALS COMMITTEE

24 October 2024

Present:-

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

Apologies:-

Councillors C Whitton

* 140 **Declarations of Interest**

Councillor Henderson declared a non pecuniary interest in respect of minute *145 (see below), over and above the other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities.

[A list of county councillors who are also district, borough, city, parish or town councillors](#)

* 141 **Minutes**

RESOLVED that the minutes of the meeting held on 7 October 2024 be signed as a correct record.

* 142 **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.

* 143 **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.

Agenda Item 14.(c)

2

SCHOOL TRANSPORT APPEALS COMMITTEE

24/10/24

* **144** **Deferred Appeals**

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

The Committee noted there were no appeals determined under urgency procedures, as there were no Members' route walks arising from the last meeting.

* **145** **School Transport Appeals**

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

Councillor Henderson declared a non-pecuniary interest in ST296 (and withdrew from the meeting).

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:-

ST295	Tiverton - QEAT, Crediton	Appellant and Local Councillor
ST296	S Molton - The Lampard School, Barnstaple	Appellant and Local Councillor

RESOLVED:-

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

ST296 S Molton - The Lampard School, Barnstaple; and

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

ST295 Tiverton - QEAT, 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 10.40 am and finished at 12.30 pm

PROCEDURES COMMITTEE

19 September 2024

Present:-

Councillors F Biederman, J Hart (Chair), S Hughes, Y Atkinson and J McInnes

Councillor C Leaver (remote attendance)

Apologies:-

Councillors J Hodgson, C Whitton and F Letch MBE

* 71 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [County councillors who are also district, borough, city, parish or town councillors](#)

* 72 **Minutes**

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

RESOLVED that the minutes of the meeting held on 25 July 2024 be signed as a correct record.

* 73 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* 74 **Draft Calendar of Council Meetings for 2025/2026**

The Committee considered the draft calendar of meetings for 2025/26 prepared in line with the pattern of previous years, known determinants and relevant factors. Finance and other officers had been consulted to ensure the calendar was compliant with relevant legislation and requirements, for example Audit and Budget cycles.

The Committee noted that the budget cycle had been pushed back as far as was possible in terms of Scrutiny Committee meetings and Budget Consultations in order to support the finance process as part of budget setting.

Agenda Item 14.(e)

2

PROCEDURES COMMITTEE

19/09/24

The calendar also included Scrutiny masterclasses and Member Development and networking sessions and a recognition of the 2025 Quadrennial Elections, Results Day and the first Member Induction day.

Members supported the proposal to move all afternoon meetings to a 2.00pm start rather than 2.15pm.

It was further suggested that a scheduled break takes place two hours into the Full Council meetings.

Members discussed the timings of Transport Appeals and the rationale for Scrutiny meetings taking place in the mornings, previously moved from afternoon timings.

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

RESOLVED that the draft Calendar for 2025/2026 be approved for publication.

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 10.35 am and finished at 10.48 am

PROCEDURES COMMITTEE

18 November 2024

Present:-

Councillors F Biederman, J Hart (Chair), J Hodgson, C Leaver, C Whitton, Y Atkinson and J McInnes.

Councillors S Hughes and F Letch (remote attendance)

* 75 **Announcements**

The Chair welcomed Mrs Saltmarsh who was attending the meeting in her capacity as a co-opted member of the Standards Committee to monitor compliance with the Council's ethical frameworks.

* 76 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [County councillors who are also district, borough, city, parish or town councillors](#).

* 77 **Minutes**

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Biederman, and;

RESOLVED that the minutes of the meeting held on 19 September 2024 be signed as a correct record.

* 78 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* 79 **Land and Property Committee Protocol**

The Committee considered the draft Land and Property Committee Protocol.

It noted there may be times when the Land and Property Committee or supporting Officers would like to visit sites ahead of an Officer recommendation (or potential recommendation) coming to the Committee for a site to be acquired or disposed of. The Protocol set out clear terms of reference for how these visits should be conducted, attendance, dealing with lobbying, avoidance of predetermination and maintaining impartiality.

Members noted the Land and Property Committee had endorsed the Protocol, following minor amendments suggested at the Committee.

Agenda Item 14.(f)

2

PROCEDURES COMMITTEE

18/11/24

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Biederman, and;

RESOLVED that the Protocol be endorsed, and its adoption recommended to the Council.

* 80 Enabling Remote Attendance and Proxy Voting at Local Authority Meetings

The Committee noted that the Government had launched a consultation on enabling remote attendance and proxy voting at local authority meetings.

The consultation sought views on the detail and practical implications of allowing remote and hybrid attendance. It also tested views on the possible introduction of proxy voting for those occasions when an elected member, due to personal circumstances, may be unable to attend even remotely. For example, during maternity, paternity or adoption leave.

The Committee noted that a discussion had been held at the Governance Working Group on the 11 November 2024 and the follow comments were made and shared with the Procedures Committee.

Remote Meetings

- That remote attendance at meetings was generally welcomed across the group;
- Councillors did not wish to see a return to fully remote meetings across the Board, particularly for decision making bodies and Scrutiny;
- The importance of feeling / tone / body language which could be challenging in a remote setting;
- The role of Chair should be in person;
- The potential savings that could be achieved and the positive impact on carbon footprints;
- Further discussions would be required on how the Council might implement the changes;
- Remote meetings would be helpful for shorter meetings, with very few items on the agenda;
- Important to have understanding of when remote attendance should be permitted;
- On occasions where a person was unwell, should they be attending meetings at all, even remotely;
- Remote meetings would be helpful in cases of inclement weather (flooding, snow etc) and would allow the meeting to still take place and that attendance and voting would be recognised.

Proxy Voting

- The GWG expressed concerns over this particular proposal, with the governance of the proposal being of significant concern;

- Proxy voting had to be another Member of the Authority;
- How proxy voting might work with independent Members;
- That proxy voting could potentially benefit smaller parties;
- That proxy voting was permissible in general and local elections;
- That remote attendance should help and potentially negate the need for proxy voting;
- A lack of clarity of how proxy voting would work when amendments were moved at a meeting, for example;
- Whether the use of proxy voting could be seen as predetermination with licensing and planning matters;
- In a highly politicised Council, bullying or blackmailing of elected members was a consideration;
- If proxy voting was introduced, the need for exceptionally strong governance and guidance on where it might be appropriate.

A copy of the consultation questions had been circulated with the agenda and the Committee made the following comments and asked these views were fed into the consultation response. The Committee also made specific comments on each of the Consultation questions, which were noted.

In general terms, the Committee agreed with the deliberations of the Governance Working Group. The move to allow remote meetings was supported, but with additional protocols and working practices for the Council to adopt in terms of how it might be implemented and used. Further concerns were raised about a move to proxy voting, but some Members could see a place in exceptionally rare circumstances, but it would require strong caveats and governance to support such a move.

Other matters debated by the Committee included the availability of broadband in the region, potentially impacting on remote attendance at meetings, the general support for more modernised ways of working and the potential use of substitutes as a mechanism moving forwards which was currently not permitted under the Council's Constitution.

RESOLVED that a response to the Consultation be drafted, based on the comments above, noting that the Council would prepare further protocols and working practices on remote attendance and proxy voting, should either of these elements become permissible in law. A final copy of the Consultation response would be shared with Members.

NOTES:

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

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

The Meeting started at 10.30 am and finished at 11.32 am

Land and Property Committee Protocol

Introduction

This protocol sets out the practices and procedures that should be followed by Members and officers of the Land and Property Committee in relation to the matters set out below when dealing with matters relating to land and property.

All meetings of the Land and Property Committee will be conducted in accordance with Devon County Council's Constitution and Standing Orders and the Code of Practice for Land and Property Transactions.

Representation by and from the Public

There will be no right of public participation at meetings of the Land and Property Committee, although the Committee may at its discretion invite any person or persons to address it.

Members' Site Visits

Members' site visits shall only be held where the proposals are of such a nature that the Committee is confident that the value added justifies the visit. The prime purpose of the visit is for Committee members to fully understand the key considerations to be taken into account in determining the relevant proposal.

Attendance at site visits is by invitation only. The local County Councillor representing the Division will be invited to attend in all cases.

Site visits will be made for information gathering purposes only. This should be made clear to any person who happens to be present at the site, such as landowners or occupiers or adjacent land or property owners. An officer's report and recommendation(s) will be made to the next/future Land and Property Committee meeting.

Lobbying and Decision-Making

Lobbying is a normal and perfectly proper part of the political process. Interested parties may seek to influence a decision by an approach to their local Member or to Members of the Land and Property Committee.

However, such lobbying can lead to the impartiality and integrity of a Member being called into question. Committee Members who have been lobbied on proposals before the Committee must declare this before the matter is considered.

Committee Members are free to listen to any point of view about a proposal. Even though they may agree with a particular view, Members of the Committee should avoid expressing an opinion which may indicate they or the authority have reached a final conclusion on a proposal until all the relevant information, evidence and arguments have been put before them at Committee.

Members of the Land and Property Committee need to preserve their role as impartial decision-makers and should not give advice to interested parties regarding proposals they have made or intend to make.

Local Members

Local Members who are also Members of the Land and Property Committee may participate in the Committee debate on a matter in their division and will normally be able to vote on the application. The exceptions would be if the Member had a disclosable pecuniary interest or was pre-determined.

Whilst local Members may wish to ensure that a particular body of local opinion is heard by the Committee, and may reflect those views to the Committee, they should take care to avoid bias. Members of the Land and Property Committee need to take account of the expectation that a matter before the Committee will be determined in a transparently, open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision. To commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality.

A Member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.

District, Parish or Town Council Membership

Being a Member of a District, Parish or Town Council that has expressed a view on an application does not prevent a Land and Property Committee Member reaching the same or a different view when the matter is considered. However the Member should approach the decision making process afresh and not express a final view in advance of the Committee meeting or act as a mere mouthpiece for another Authority. To do so could give an appearance of bias.

INVESTMENT AND PENSION FUND COMMITTEE

13 September 2024

Present:-

Devon County Council

Councillors J Morrish (Chair), J Trail BEM (Vice-Chair), Y Atkinson and H Gent; and M Hartnell (remote)

Unitary Councils

Councillor M Lowry (remote)

Union and Retired Members

R Franceschini, L Parker-Delaz-Ajete (remote) and M Daniell (remote)

Apologies:-

Councillors R Bloxham, G Gribble and M Brook

* 14 **Chair's Announcements**

The Chair announced that, following from concerns raised at the recent Full Council meeting around some of the investments made by the Pension Fund, he had agreed to meet concerned residents to discuss these issues in advance of them being considered by this Committee at a later date.

* 15 **Declarations of Interest**

Members were reminded that they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item.

The list of Membership of other Authorities can be found here: [County councillors who are also district, borough, city, parish or town councillors](#)

* 16 **Minutes**

RESOLVED that the minutes of the meetings held on 1 March 2024 and 14 June 2024 (inquorate) be signed as a correct record.

Agenda Item 14.(g)

2

INVESTMENT AND PENSION FUND COMMITTEE

13/09/24

17 Items Requiring Urgent Attention

Pension Investments Call For Evidence

Members heard that the Government had published a “call for evidence” on pension investments, including the Local Government Pension Scheme, with a deadline for responses of 25th September.

The Committee questioned the purpose of the consultation, with officers advising that Central Government aimed to ensure that pension funds invested more in the UK to support their growth agenda. As such, Government wished to ensure that the Fund was in a position to do so. The call for evidence was also concerned with future pooling arrangements of pension funds.

Officers had begun to draft a response which would be circulated to the Committee members in due course for comment.

Details of the call for evidence were available at: [Pensions Investment Review: Call for Evidence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/pensions-investment-review-call-for-evidence).

* 18 Devon Pension Board

The Committee noted the minutes of the Devon Pension Board meeting held on 15 July 2024, commenting however that the Board’s recommendation that the annual consultative meeting be held in ‘September 2024’ should read ‘September 2025’. Members were advised that this would be amended for accuracy.

* 19 Brunel Oversight Board

The Committee noted the minutes of the Brunel Oversight Board meeting held on 6 June 2024, but commented that the heavy use of acronyms made it difficult for members to follow the proceedings when reviewing the minutes.

* 20 Pension Fund Annual Report and Accounts 2023/24

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/91) and the supplementary Pension Fund Annual Report & Accounts 2023/24. The Annual Report & Accounts were put together in accordance with guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) with some changes having been made from the previous year’s guidance, including requirements to include information on UK-based investments and to disclose investments made that supported the previous Government’s levelling-up agenda.

Particular highlights and comments made by officers included:

- An 11.3% investment return which was above the average seen across local government pension schemes;
- The Fund's carbon intensity had reduced by 35% over the year to December 2023, which represented a fall of 65% from the March 2019 baseline;
- Peninsula Pensions completed 95% of high priority tasks and 91% of all tasks within the target time frame set by the disclosure regulations. Both figures represented an overperformance against the 90% target; and
- The contents page of the version of Annual Report & Accounts presented to the committee would be completed once the document was in its final form.

Discussion centred around the climate impact of the Fund's investments, in particular the difficulties around the disclosure of climate impact information as pertaining to some private market investments.

It was **MOVED** by Councillor Gent, **SECONDED** by Councillor Trail and

RESOLVED that

(a) the Pension Fund Annual Report and Accounts for 2023/24, subject to the approval of the Statement of Accounts by the Devon County Council Audit Committee and completion of the external audit, be approved and adopted; and that

(b) the submission of the unaudited Pension Fund Annual Report and Accounts to the Financial Reporting Council for assessment against the requirements of the UK Stewardship Code be approved.

* 21

Investment Management Report

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/92). The Report outlined the Fund value and asset allocation, Fund performance, funding level, 2024/25 budget forecast, cash management and voting and engagement activity.

Key aspects of the report included:

- The Fund value as at 30 June 2024 stood at £5,984.6 million, an increase of £70 million over the last quarter. Officers were hopeful that the Fund value would exceed £6,000 million by the end of the current quarter.

Agenda Item 14.(g)

4

INVESTMENT AND PENSION FUND COMMITTEE

13/09/24

- Significant volatility in global equity markets seen since June 2024 and the officer proposal “that £60 million is redeemed from the Passive Equity allocation, and held as cash pending further private market drawdowns.”
- On fund performance, it was explained that the main contributor to the Fund’s underperformance was that it was underweight to most of the ‘Magnificent Seven’ tech firms which drove the market, but that there were signs that the market domination of these firms may cease in the future.
- The updated funding position as at the 31st of March 2024 provided in the report showed that the Fund was slightly below its position as of the 2022 triennial valuation, but that this had improved over the preceding quarter. Officers drew attention to the significant inflationary increases to pension payments over the last two years, which had increased the Fund’s liabilities.
- On voting and engagement, officers noted that there was growing support from shareholders for resolutions on climate change.

Member discussion points between officers and members included:

- The likelihood of achieving a Fund value of over £6,000 million by the following quarter, with officers expressing that subject to market movements over the remainder of September it looked likely;
- Voting and engagement on climate change, with member concern raised that resolutions regarding climate-positive / sustainable investment were not passing at company general meetings. Officers accepted the concern but noted that, although these resolutions were failing, they were doing so by smaller margins.

The Committee noted compliance with the 2024-25 Treasury Management Strategy.

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

RESOLVED that the redemption of £60 million from the overweight allocation to Passive Equities, to be held as cash pending further private market calls, be approved.

* 22 Pension Fund Risk Register

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/93) which provided an update on the Pension Fund risk register.

Officers explained that it had remained fairly static since the Committee last reviewed it with the exception of some minor revisions, as outlined in the report. Officer attention to Government consultation regarding the future pooling arrangements of Local Government Pension Schemes was also noted, with possible scope to include this in the risk register in future.

Member discussion centred around risks regarding staff turnover and succession planning.

It was **MOVED** by Councillor Atkinson, **SECONDED** by Councillor Trail and

RESOLVED that the Pension Fund Register and the additional actions proposed to mitigate risk be approved.

* **23** **Training Review 2023/24 and Training Plan 2024/25**

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/94), which reviewed training received by members of the Investment and Pension Fund Committee and the Devon Pension Board in 2023/24 and proposed training plan for 2024/25, seeking approval for the latter. This Report was brought forward from the previous meeting of this Committee which was inquorate.

There were comments from some members on the quality of some training that was received, some by external providers. Members expressed that a balance was important to ensure that the complex concepts involved in the subject area were taught to members in a palatable manner, noting that members of the Committee and the Pension Board were lay people, whilst also ensuring that members of both the above-named bodies were adequately prepared to undertake their roles.

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

RESOLVED that the Training Plan for 2024/25 be approved and adopted.

* **24** **Annual Consultative Meeting 2025**

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/95) which outlined the rationale for changing the date for the Annual Consultative Meeting, which was held yearly for Fund members, to coincide with the September meeting of the Investment and Pension Fund meeting, rather than the February / March meeting.

It was explained that due to the timing of financial and climate reporting data, some of the information provided at the consultative meeting – when held in February / March – was up to fourteen months old, and that moving the consultative meeting to September of each year would allow more up to date information to be given.

Agenda Item 14.(g)

6

INVESTMENT AND PENSION FUND COMMITTEE

13/09/24

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

RESOLVED that the change of date for the Annual Consultative Meeting to the September of each year, including changing the date for the 2025 Annual Consultative Meeting from 28th February to coincide with the September meeting of the Investment and Pension Fund Committee, be approved.

* **25** **Peninsula Pensions Administration Update and Performance Statistics**

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/96) on the performance of Peninsula Pensions. The report explained that Devon Pension Board received regular updates on the performance of Peninsula Pensions, as the administrators of the Fund's pension benefits, with reports now also to go to this Committee following agreement of Peninsula Pension's revised Administration Strategy.

Appendices 1 and 2 to the report provided a breakdown of administration performance relating to the Devon Pension Fund only, for the quarter ending 30 June 2024 (Appendix 1) and longer-term (Appendix 2). Appendix 3 showed the amount of work received over a 12 month period compared to previously and indicated an increase in demand.

Member discussion points included:

- The predicted cost of the McCloud remedy, with officers explaining that it was likely to cost the Fund less than initially anticipated; and
- Ensuring ease of form-filling, such as providing support to older people, and through the introduction of online forms, for instance for notification of death. Officers explained that the Fund was gradually introducing online versions of forms.

* **26** **Employer Changes**

The Committee noted the following Employer Changes:

(a) New admitted bodies – The following application for admitted body status has been approved since the last meeting of the Committee:

- 1 April 2024 – Ted Wragg Trust outsourced cleaning services to Fusion School Services Ltd.
- 1 April 2024 - Bishopsteignton Primary School (LA School) outsourced their catering to Clever Chefs Ltd.

(b) New resolution bodies - The following parish councils became employers in the Fund:

- 1st October 2023 Wembury Parish Council became an employer in the Devon Pension Fund.

- 25th April 2024 Georgeham Parish Council became an employer in the Devon Pension Fund.

(c) Employer Cessations - The following employer has left the scheme

- 28th July 2023 Millfields Trust ceased as an employer within the Devon Pension Fund.
- 31st March 2024 3 Rivers Limited ceased as an employer within the Devon Pension Fund.
- 31st March 2024 Torbay Development Agency typed all current staff back to Torbay Council.

(d) New academy conversions and changes.

- 1 April 2024 Shirwell Community Primary School and Georgeham C of E Primary School joined Ventrus Multi Academy Trust.
- June 2024 Bovey Tracey Primary School joined the Learning Academy Partnership.
- 1 July 2024 Milton Abbot Primary School joined Dartmoor Multi Academy Trust.

* **27** **Matters for Information, previously circulated**

The last meeting of the Investment and Pension Fund Committee scheduled for 14 June 2024 was inquorate. Members therefore received a number of reports for information which were brought forward to this meeting of the Committee, to ensure that Members had the opportunity to comment on these.

There were no comments made on any of the previously circulated matters for information.

* **28** **Dates of Future Meetings**

Members noted the dates of the future meetings of the Investment and Pension Fund Committee, including the pending changes. It was advised that the pending decision to move the February 2025 meeting of the Committee to 3 March 2025 was subject to approval by the Council's Procedures Committee.

* **29** **Exclusion of the Press and Public**

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

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INVESTMENT AND PENSION FUND COMMITTEE

13/09/24

* **30** **Aviva Ground Rents Fund**

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/97) regarding the Fund's investment in the Aviva Ground Rents Fund.

It was **MOVED** by Councillor Gent, **SECONDED** by Councillor Atkinson and

RESOLVED that the recommendations in relation to the Aviva Grounds Rents Fund, as laid out at (a), (b) and (c) of the Part II Report be confirmed and approved.

* **31** **Brunel Reserved Matters**

The Committee considered the Report of the Director of Finance and Public Value (DFP/24/98) regarding a Brunel Special Reserved Matter, which was explained to be a policy issue set out in the Shareholders Agreement which required shareholder consent. The Director of the Finance and Public Value had delegated power to sign these off. As such the Committee noted approval of the request and next steps as laid out in the Part II report.

NOTES:

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

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

The Meeting started at 10.30 am and finished at 11.46 am

AUDIT COMMITTEE

30 September 2024

Present:-

Councillors R Scott (Chair), F Biederman, I Chubb and C Whitton

Apologies:-

Councillors M Hartnell, A Connett and R Peart

Members attending in accordance with Standing Order 25

Councillor J McInnes

* **127** **Declarations of Interest**

There were no declarations of Interest.

* **128** **Items Requiring Urgent Attention**

There was no item requiring urgent attention.

* **129** **Minutes**

RESOLVED that the Minutes of the meeting held on 26 June 2024 be signed as a correct record

* **130** **Forward Plan**

The Chair suggested that the Committee conduct a self-assessment of their effectiveness, working with Officers from Devon Assurance Partnership, to be reported back to the Committee in February.

* **131** **Devon Pension Fund - Audit Findings 2023/24**

The Committee noted the Report of the Director of Finance and Public Value (DFP/24/99) together with the Report of Grant Thornton on the Audit Findings for Devon Pension Funded.

The Report set out the findings arising from the audit of the Pension Fund financial statements for 2023/24 and described the work that the external auditor had undertaken to address the risks identified in the Audit Plan, as presented to the Audit Committee on 26 June 2024.

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AUDIT COMMITTEE

30/09/24

Members noted that Grant Thornton had indicated its intention to issue an unqualified audit opinion in respect of the 2023/24 financial statements in mid-October 2024, subject to remaining work being completed.

* **132** **Devon County Council - Audit Findings 2023/24**

The Committee noted the Report of the Director of Finance and Public Value (DFP/24/100) together with the attached Audit Findings Report 2023/24 for Devon County Council provided by the External Auditor, Grant Thornton.

The Audit Findings report set out the findings arising from the audit of the Council's financial statements for 2023/24. It also described the work that the external auditor had undertaken to address the risks identified in the Audit Plan, which had been presented to the Audit Committee on 26 June 2024.

The External Auditor reported that subject to resolution of the issues outlined in the Report, it anticipated issuing an unqualified opinion in mid-October 2024.

* **133** **Statement of Accounts and Annual Governance Statement 2023/24**

The Committee reviewed and considered the Report of the Director of Finance and Public Value (DFP/24/101) on the Authority's Statement of Accounts for 2023/24. It was noted that the external auditor had indicated that the anticipated outcome was an unqualified audit opinion in mid-October, subject to the satisfactory conclusion of outstanding issues.

The Authority had published the unaudited Statement of Accounts on 30 May 2024, to meet the deadline brought in by Parliament of 31 May. The Statement of Accounts was based on the Outturn Report that had already been presented to Cabinet.

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

RESOLVED that:

- (a) the Annual Governance statement for 2023/24 be approved;
- (b) the Authority's Statement of Accounts for 2023/24 be approved;
- (c) the Pension Fund Statement of Accounts for 2023/24 be approved;
- (d) the Management Letters of Representation in respect of the financial statements of both Devon County Council and Devon Pension Fund for the year ended 31 March 2024 be approved and signed by the Chair on behalf of the Committee; and

- (e) in respect of (b) and (c) above, the Committee delegates authority to the Director of Finance and Public Value, in consultation with the Chair of the Audit Committee, to make minor changes to the Statement of Accounts for Devon Pension Fund and/or Devon County Council if required as the external audit is finalised and prior to publication of the audited accounts.

* **134** **External Auditor's Annual Report 2023/24**

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

The Committee noted the Report of the Director of Finance and Public Value (DFP/24/102) and the Auditor's Annual Report for 2023/24 financial year, which summarised the work undertaken and final findings and recommendations in relation to value for money.

The External Auditor, Grant Thornton, was required to provide an Auditor's Annual Report each year which confirmed its Opinion on the Authority's financial statements and any significant matters in relation to the Authority's arrangements for securing economy, efficiency and effectiveness in its use of resources.

Grant Thornton highlighted the key recommendations for Financial sustainability, Governance, and Improving economy, efficiency and effectiveness. The positive direction of travel in these areas was noted and the need for continued effort was emphasised.

The Director of Legal & Democratic Services informed the Committee of the ongoing work to improve governance and scrutiny, including better data sharing and more effective briefings for scrutiny members. The Director would also be working with procurement colleagues to bring to the Committee a detailed action plan on the new procurement regulations coming into force shortly.

(Discussion on this item was paused to allow item 13 to be discussed due to Chief Officer time constraints.)

* **135** **Children's Services Improvement Actions Limited Assurance Report**

The Committee received the Report of the Director of Children and Young People's Futures (CS/24/32) on Improvement Actions on Limited Assurance Reports, which been requested at the June Audit Committee.

The Committee noted the actions, progress and challenges contained in each element of the audit report since the audits were conducted in March 2024, and the continued commitment of the Children's leadership team to work with Devon Assurance Partnership as part of the ongoing improvement plans.

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AUDIT COMMITTEE

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The Committee were updated on the improvements in Children's Services, including staff recruitment, transitions into adulthood, and oversight of independent placements. They emphasised the importance of stable leadership and governance in achieving these improvements.

The Chief Executive stated she would bring to the Special Audit Committee in November a detailed action plan outlining the governance and oversight arrangements for Children's Services, including timelines, outcomes and responsibilities.

* 134
contd

External Auditor's Annual Report 2023/24 (continued)

There followed discussion around the financial challenges related to SEND, emphasising the need for policy changes at national level to address these issues. Also highlighted was the importance of collaboration with partners and the role of members in advocating for these changes

* 136

Internal Audit Update

The Committee reviewed and considered the Report of the Director of Finance and Public Value (DFP/24/86), which provided an update on the opinion of the Council's Internal Audit Servicer (Devon Assurance Partnership) and described the progress against the internal audit plans for 2024/25 that were approved by the Audit Committee in February 2024.

Good progress has been made to date on the audit plan with work completed across a number of services and numerous pieces of work in progress. Focus over the next few months would be on the follow-up work from 2023/24 and an update to the Committee in February 2025.

* 137

Counter Fraud Update

The Committee noted the Report of the Director of Finance and Public Value (DFP/24/88), which set out the Counter Fraud work being undertaken on behalf of and by the Council for the financial year 2024/25 to date and supported the Council's ongoing commitment as outlined in its Anti-Fraud Bribery and Corruption Policy/Strategy and Response Plan.

The Report informed the Committee of ongoing activity in the fight against fraud, to protect the public purse and retain public confidence that the Council recognised the harm that fraud could cause in the community and that it was protecting itself and its residents from fraud.

* 138

Risk Management Update

The Committee reviewed the Report of the Director of Finance and Public Value (DFP/24/87), which set out the most recent risk position of the Council for 2024/25, updates on developing risk areas and confirmed the role of the

Audit Committee as per the Council's Risk Management Policy. It further explored and summarised the existing risk position.

* **139** **CIPFA - Independent Audit Committee Member**

The Head of Devon Assurance Partnership reported that the proposed Independent Member was no longer available and therefore another candidate would be sourced.

* **140** **Section 106 Aged Debt**

The Committee noted the Joint Report of the Director of Finance and Public Value and Director of Legal & Democratic Services (DFP/24/103), which provided an update on the aged debt position for S106 debts (and similar planning contributions), as requested at the June Committee meeting.

Currently, S106 owed to the authority for more than 90 days, and therefore classed as aged debt, was just over £1.2 million (excluding late interest charges). Further details would be provided to the Committee under Part II of the meeting.

* **141** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, or information relating to the financial or business affairs of the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

* **142** **Section 106 Aged Debt**

The Committee noted the contents of the Joint Report of the Director of Finance and Public Value and Director of Legal & Democratic Services (DFP/24/104).

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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 2.15 pm and finished at 4.21 pm

STANDARDS COMMITTEE

14 October 2024

Present:-

Councillors J Hart (Chair), T Adams, J Bailey, I Chubb, A Connett, C Slade
Coopted Members - R Hodgins, A Mayes and R Saltmarsh

In attendance (virtually):

Councillors P Maskell and C Leaver
I Hipkin (coopted member)

Apologies:-

None

55 Declarations of Interest

Details of Councillor membership of other authorities can be viewed here –
[County councillors who are also district, borough, city, parish or town councillors.](#)

There were no further interests declared.

* 56 Minutes

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Chubb and **RESOLVED** that the minutes of the meeting held on 8 July 2024 be agreed as a correct record.

* 57 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

58 Findings from the Ombudsman's Report into the Case of Mr C

The Committee received a Report from the Directors for Integrated Adult Social Care and Children and Young People's Futures (IASC/24/14) on the findings from the Ombudsman into the case of Mr C. This followed the public interest report issued by the Local Government and Social Care Ombudsman on the 8th August 2024 into a complaint about Devon County Council (Reference Number: 23 001 435).

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There was a requirement such reports are brought to a relevant Council Committee for public scrutiny. The Report found fault causing injustice and had made a number of recommendations.

The complaint was brought by Miss B on behalf of her son, Mr. C, who was transitioning from children's social care to adult services upon turning 18. Mr C was a young adult with autism and ADHD.

The primary concerns included: Inadequate and delayed transition planning leading to Mr. C's relocation to a supported living placement 30 miles away from his family and educational setting; resultant isolation, missed education, and increased anxiety for Mr. C; distress experienced by Miss B due to reduced contact and involvement in decision-making regarding her son's care.

Points of failure identified were: delayed decision-making and implementation, inadequate coordination between services, challenges in securing suitable accommodation and transport, understanding legal responsibilities, and perception of transition processes.

In addition to public scrutiny of the Report, the Ombudsman also required Devon County Council to report to him within three months on the measures taken to address the recommendations in the Report.

The Council had accepted in full the recommendations of the Ombudsman and was committed to learning from what has happened to ensure sustainable improvements to its processes. Actions taken in response to the issues identified in the Ombudsman report were as follows:

1. Apologise to Mr. C
2. Compensate Mr. C and Mrs B
3. Arrange Support Meeting
4. Triage Transition Cases
5. Ensure Escalation Procedure
6. Brief Staff
7. Improve Team Communication

Further related actions included: a revised transition model, assessment monitoring, formalised escalation procedures, learning and improvement initiatives, creation of 16-18 year old forum and housing solutions for care leavers.

Members were informed that the Council acknowledged the significant failures and the Report offered valuable lesson opportunities to improve and understand where things didn't go well and to take appropriate actions.

Further discussion included the following points:

- Following actions that had been taken and were in train, there was a much higher level of confidence that these incidents would not reoccur.

- These included changing the transition model, better reporting around delays in assessments, identifying those with complex needs and implementing a joint working plan involving health colleagues
- Challenges around sufficiency levels and out of area placements
- Negotiations with other local authorities for children placed out of county
- Involvement of senior officers in the process in this case had been at a late stage
- Communication was an underlying factor in the case
- Concerns about the length of time involved
- The client's needs did not appear to be the primary factor in the case
- Although there were financial challenges this did not excuse the identified failures
- Clarification around the transition process and assurance that this was now a smooth transition with social workers working together.
- Information on the make up of the Panel and factors including financial issues involved in decision making.
- Forums had now taken over from Panels and had terms of reference, a wider number of people involved and quality at the forefront of decision making
- Better planning for young people to identify and understand needs and earlier conversations

There was a request that the Report also be presented to the Children's Scrutiny Committee.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Connett and **RESOLVED:**

That the Committee:

1. Notes the case of Mr C, as outlined in the Ombudsman Reports, and the resultant action plan, as presented to the Committee; and .
2. asks that the Ombudsman Report and supporting documents to be sent to both the Adult and Health and Children's Scrutiny Committees, noting the Adult and Health Scrutiny Committee will be asked to oversee the action plan for improvement moving forward.

59 Revised Member Complaints Process

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/27) on the Revised Member Complaints Process.

Members were reminded that as part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Council's Code of Conduct and the process of dealing with Members Complaints be reviewed.

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A wholesale review of both processes had been undertaken, at Member Development Days and by the Governance Working Group and the Standards Committee.

The aim of the work strand was to ensure that both the Council's Code of Conduct and the processes for reviewing and dealing with complaints against elected Members were appropriate and fit for purpose.

The new Code had been adopted by the Council in May 2022. The Standards Committee conducted its annual review of the Code of Conduct in March 2024. Members felt the Code had been thoroughly reviewed and resolved it was appropriate and fit for purpose for Devon.

The revised wording of the complaints process had been presented to the Standards Committee on 8 July 2024. However, a number of changes had been suggested so the Committee agreed to defer the item to allow these changes to be considered.

The revised guidance set out the context for complaints and how they should be submitted, addressed issues of confidentiality, the preliminary tests that would be applied including legal thresholds, initial assessments and the public interest.

Also included in the new process was a revised complaints form, protocol for dealing with investigations into Standards allegations under the Localism Act 2011, Decision Notice (Appendix 1), Investigation plan (Appendix 2), draft statement template (Appendix 3), Interview plan (Appendix 4), Investigation plan review (Appendix 5), Decision Notice to cease an Investigation (Appendix 6) and a Comments Assessment Matrix (Appendix 7).

Members were content with the revisions and recognised the efforts which had gone into this.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Chubb and **RESOLVED:**

That the Committee endorses the revised Member Complaints Process, based on the Local Government Association Model process, for recommendation to the Council, prior to publication to the Council's website.

60 **Customer feedback 2023-24**

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/42) on Customer Feedback which provided an overview of customer complaints received during the previous reporting year; namely 1 April 2023 to 31 March 2024.

It was highlighted that the Council was obliged to run three separate complaint procedures due to the legislation in place for Children's and Adult

Social Care complaints. All other complaints were handled under the Council's corporate complaint procedure.

The Report summarised the number of complaints received at Stage 1 across all Directorates in the reporting year. There was a drop in the number of complaints received in Q3 for all Directorates compared to previous quarters, however this increased back up to usual levels in Q4; it was not possible to attribute the variation in Q3 to any particular factor.

The number of complaints upheld remained low across the whole Council however Adult Social Care, Children's Social Care and Education and Learning tended to see a higher percentage of upheld complaints.

There was a gradual improvement in response times across the whole Council for the first three quarters of the reporting year, however performance reduced in Q4 leading to only 65% of all complaint responses being in time.

There were a significant number of Stage 2 requests received in 2022-23, which reduced in 2023-24 and continued to remain at a much lower level each quarter to date.

There were 42 Stage 2 complaint investigations concluded in 2023-24. Two were not upheld, 35 were partially upheld, and five were fully upheld. 7% of Stage 2 complaints were responded to within Statutory timescales.

A Stage 3 Review Panel Hearing (RPH) is the last Stage of the Council's complaints procedure for Children's Social Care. There were four RPHs held through the year; one RPH held in Quarter 1, none in Quarter 2, one in Quarter 3, and two in Quarter 4 of 2023-24.

The Local Government and Social Care Ombudsman (LGSCO) investigated complaints about councils, adult social care providers, including care homes and agencies, and some other organisations providing local public services. It assessed for fault and made findings in relation to maladministration of process and subsequent injustice to the customer. The Ombudsman was the final stage following the completion of the Council's relevant complaints process.

While Education and Learning saw a reduction in the number of LGSCO complaints received in Q3 compared to the two previous quarters, there was an increase in those received about Children's Social Care.

As a result of the 65 upheld complaints with fault in 2023-24, the LGSCO made 128 recommendations. Over half of the recommendations involved the payment of a financial remedy to the customer, totalling almost £72,000. Most of the financial remedies related to delays in EHCPs or alternative provision.

The Customer Relations Team now had greater capacity to support the administration of escalated complaints and the mitigating actions outlined

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included setting clear deadlines, regular requests for updates, responses discussed and issued promptly, improving how data was recorded.

Members and officers discussion covered a number of issues including:

- Improving response times and how robust the process was
- Learning from real situations
- Changes in senior management and linkage to low numbers of responses at stage 2
- Questions around when improvements would be achieved
- The role of Senior Leadership Team and ownership of complaints
- The variety of ways people could contact the Customer Relations Team which included freephone number, free postal address, visiting the council offices, emailing and filling in an online form.
- Difficulties with investigations when officers were not always available due to operational demands
- Responding to complaints as part of the staff appraisal process

Members expressed the need for escalation to Directors to ensure sufficient oversight of complaints by the leadership team.

The Committee further asked for a Report to be brought back to the next meeting in March 2025.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Slade and **RESOLVED**:

- a) That the Committee notes the contents of the Report but expresses concern over the timeliness of responses to complaints; and
- b) That the Committee requests these concerns are escalated to the Senior Leadership Team to ask that a stronger focus be given to the timeliness of responses to reduce the likelihood of escalation in future.

* 61

Ethical Governance Framework: Monitoring

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/40) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

Members had, since the report to the previous meeting in July 2024, attended the following meetings of Cabinet, Public Rights of Way and Health and Wellbeing Board, both virtually and in person, and their views/feedback are summarised below.

- The meeting was well chaired, inviting plenty of opportunity for discussion.

- The document circulated before the meeting was substantial, and reading all the reports and appendices would have taken considerable time.
- From the questions and comments by Councillors, it was clear that they had prepared well for the meeting and Councillors should be commended for this.
- People attending remotely on Teams should not use video unless speaking, as faces taking up a large part of the screen could be distracting.
- Despite a lengthy document pack – 129 pages, the meeting moved smoothly through the agenda and was completed in just under an hour but was not rushed.
- Advice was sought from Officers at every stage and consideration given to possible consequences of action taken, very thoughtful.
- Speeches were, in general clear, just the occasional sound distortion and loss if the speaker turned away from the mic.
- One presenter (on-line) struggled to share slides and it was therefore not easy to follow the sequence of the points made.

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

The issues of online attendees using cameras was raised. It was suggested that a reminder be incorporated into the Chair's notes and read out at the beginning of the meeting, reiterating that mics and cameras be turned off when people were not speaking. It was further suggested that this also be included in any revisions to improving working practices which was currently being examined by the Governance Working Group.

The Report was noted.

* **62** **Local Determination of Complaints**

The Deputy Director of Legal and Democratic Services reported that, since the last meeting, there had been only one new complaint concerning an alleged breach of the Members Code of Conduct as shown in the table contained within the Report (LDS/24/41). The complaint had been determined with o breach of the Code, but rather a matter of

miscommunication due to poor phone reception. Members were reminded about the timeliness of making business calls with a good signal and clear audio.

The Report was noted.

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14/10/24

NOTES:

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

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

The Meeting started at 2.15 pm and finished at 3.55 pm

DEVELOPMENT MANAGEMENT COMMITTEE

23 October 2024

Present:-

Councillors J Brook (Chair), S Aves, I Chubb, L Hellyer, P Sanders, C Slade, J Wilton-Love and J Yabsley

Apologies:-

Councillors J Trail BEM, A Connett, I Hall, J Hodgson and C Whitton

59 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#)

Councillor Hellyer declared a personal interest in item 6 for the Xlinks Morocco-UK Power Project as the local County Councillor for Bideford East.

Councillor Slade declared a personal interest in item 5 on the Retention of existing deposition and temporary landfill site at Greenway, Tiverton, as the local County Councillor for Tiverton East.

60 **Minutes**

RESOLVED that the minutes of the meeting held on 24 April 2024 be signed as a correct record.

61 **Items Requiring Urgent Attention**

There were no items requiring urgent attention.

62 **County Matter: Waste Mid Devon District: Retention of existing deposition and temporary landfill site for the deposition of additional inert waste and a construction waste recycling facility with associated works including temporary buildings, access and landscaping at Land at Greenway, Uplowman, Tiverton**

(Simon Coles and Jim Tamblyn, attended in person under the Public Participation Scheme and spoke in favour of the application.

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DEVELOPMENT MANAGEMENT COMMITTEE

23/10/24

Jon Pearson, Janine Banks, Nick Govier, Cllr Tim Burt, Cllr Mary Moore, Karl Wiseman, William Derby, Steve Badcott, Oli King, Cllr Gill Westcott attended both in person and remotely under the Public Participation Scheme and spoke against the application.)

Councillor Slade, who was the local member, also spoke against the application.

The Committee considered the Report of the County Planning Manager (CET/24/81) relating to the retention of existing deposition and temporary landfill site at Greenway, Uplowman, Tiverton.

The application sought to retain and appropriately manage the existing deposition of inert waste on the site, along with seeking permission for the ongoing use of the site as a temporary landfill site for inert waste for a period of 8 years. The application further sought to approve the creation of a construction waste recycling facility (to include temporary buildings) access to the site and landscaping mitigation and also included the phased restoration of the land following the proposed temporary use period.

It was considered that the main material considerations in the determination of the proposed development were waste policy; the strategic planning context; transportation, access and highway safety; landscape and visual impact; biodiversity; drainage and flood risk; amenity and health; agricultural land and soil management; historic environment; and sustainability and climate change.

It was also highlighted that consideration of the impacts of the proposed development in subsequent parts of Section 7 of the Report demonstrated that the proposals would be contrary to national guidance and development plan policies by causing serious harm to highway safety and to the local landscape, with additional concerns remaining unresolved in relation to soil management and agricultural land, biodiversity gain and the applicant's noise assessment. It was concluded that any justification for the proposed landfill and recycling capacity would be outweighed by the adverse impacts of the development, and the application was therefore recommended for refusal for the reasons given in Section 1 of the Report.

There were a large number of objections raised including from Mid Devon District Council, several parish councils, and the local primary school as well as local residents. As of the date of the meeting (23 October 2024) the total number of public objectors was 572.

Members were informed that further information had also been received from the applicant, since the publication of the Report, on landscape and ecology, a traffic management plan, amended noise assessment and a letter to the Committee. The planning officer tabled amended wording for the second reason for refusal relating to landscape.

Member discussions and questions to the Officers (which included points arising from the issues raised by the Speakers) related to the impact of the proposed development on highway safety and concerns about the lane being used for lorry movements. The Committee was in agreement with the officer's recommendations.

The matter having been debated and having regard to the main material planning policies and requirements, it was **MOVED** by Councillor Slade and **SECONDED** by Councillor Cox and

RESOLVED that planning permission be refused for the following reasons:

1. The proposed development is unacceptable for highway reasons on the following grounds:
 - (a) the geometry of the site access as it is proposed to be altered is likely to result in unacceptable manoeuvring on the highway with consequent risk of additional danger to all users of the road;
 - (b) the roads giving access to the site are, by reason of their inadequate width, unsuitable to accommodate the increase in traffic;
 - (c) the development is likely to result in conflict between residential and commercial traffic, and with pedestrians, cyclists, horse riders and other vulnerable road users; and
 - (d) adequate information has not been submitted to satisfy the Waste Planning Authority that the proposal is acceptable in terms of access, including with regard to the proposed passing places on Greenway and the proposed lorry route through Uplowman and Sampford Peverell.

The residual cumulative effects on the road network would be severe, contrary to the National Planning Policy Framework, and the impacts on road safety and the functionality of the local highway network would be contrary to Policies W2 and W17 of the Devon Waste Plan and Policy DM3 of the Mid Devon Local Plan.

2. Insufficient information has been provided to demonstrate that the proposed waste operations have been well-designed to minimise visual impacts and conserve the rural character of the area, including a lack of consideration for progressive restoration that would ensure that the landfill site is restored to beneficial after uses at the earliest opportunity, and proposals for screening of public views that are undeliverable due to their location on land that is not under the applicants' control.

The proposed development is therefore contrary to paragraph 7 of the National Planning Policy for Waste and Policies W2, W12 and W14 of the Devon Waste Plan.

3. Insufficient information has been provided to demonstrate how the proposed development would affect the best and most versatile agricultural land and associated soils within the application site as required

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through Policies W2 and W16 of the Devon Waste Plan and Policy S9 of the Mid Devon Local Plan.

4. The proposed development would result in a net loss of habitat units and thereby fail to achieve a net gain for wildlife, contrary to Policies W2, W11, W14 and W20 of the Devon Waste Plan and the National Planning Policy Framework.
5. The applicant's noise assessment does not adequately consider the effects of traffic noise resulting from vehicles generated by the proposed development on sensitive receptors located on the proposed vehicle route, and therefore fails to properly demonstrate that the development will avoid significant noise nuisance to properties on that route, contrary to Policies W2 and W18 of the Devon Waste Plan.

63 Xlinks Morocco-UK Power Project - Development Consent Order

The Committee considered the Report of the County Planning Manager (CET/24/82) relating to Xlinks, a National Significant Infrastructure Project (NSIP) which aimed to install an electricity generation facility entirely powered by solar and wind energy, combined with a battery storage facility, in Morocco, to supply electricity to the UK.

This would connect to the UK via approximately 4,000km of High Voltage Direct Current (HVDC) sub-sea cables. Landfall of the cable was proposed at Cornborough Range, approximately 4km west of Bideford. An onshore HVDC cable corridor, approximately 14.5km long, would provide a cable connection to two converter stations, which was proposed immediately west of the existing Alverdiscott substation site. A new substation, within the existing Alverdiscott substation site, would then connect the converter stations to the national grid.

NSIPs are large scale major development projects that require a Development Consent Order (DCO) under the Planning Act 2008, rather than a planning application under the Town and Country Planning Act 1990.

The Development Consent Order would be drafted to meet the specific circumstances of the proposed development. Common provisions include:

- The development consent;
- The power to compulsorily acquire land and rights;
- Necessary powers in relation to highways works, public rights of way, traffic regulation measures;
- Requirements (conditions) which will control the construction, commissioning, operation and, if appropriate, the decommissioning of the approved works, including appeal mechanisms;
- Power to take steps to protect buildings and enter land to survey and investigate it;
- Power to fell or lop trees and the removal of hedgerows;

- Power to override usual consents that protect the public from nuisance, etc.

Member discussions and questions to the Officers related to safeguards for rural landlords, breaches of development consent orders which could attract criminal sanctions and the huge scale and ambition of the project.

The matter having been debated and having regard to the main material planning policies and requirements, it was **MOVED** by Councillor Hellyer and **SECONDED** by Councillor Wilton-Love and

RESOLVED that the Committee:

- Endorses the Council's participation, including that to date, in the Development Consent Order process for the Xlinks Morocco-UK Power Project.
- Delegates authority to the Deputy Director – Planning, or their nominated representative, in consultation with the Chair of Development Management Committee and the Local Members, to make representations and/or respond to consultations and engagement, from the Applicant and the Planning Inspectorate (including the Examining Authority) during all stages of the Development Consent Order process for the Xlinks Morocco-UK Power Project (excluding the submission of the Local Impact Report).
- Delegates authority to the Director of Climate Change, Environment and Transport to permit the necessary Officers to attend the Preliminary Meeting, hearings, prepare and give evidence, as is required, during the examination of the Development Consent Order, as outlined in paragraph 4.12.
- Delegates to the Deputy Director – Planning, or their nominated representative, the power to deal with post-decision matters (if the Development Consent Order is granted for the Xlinks Morocco-UK Power Project), including the determination of any Development Consent Order Requirements and any enforcement in respect of any Development Consent Order granted by the Secretary of State.

64 Lower Hare Farm, Whitestone: Judicial Review

The Committee considered the Report of the County Planning Manager (CET/24/83) relating to the background to a recent claim for judicial review of a decision by the County Council to discharge planning conditions relating to a waste management proposal at Lower Hare Farm, Whitestone.

The Report was requested by Councillor Hodgson in her supplementary question at the meeting of the County Council on 23rd May 2024 (minute 291).

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Information was provided with an account of the outcomes of the claim; and steps that have been implemented to limit the risk of similar incidents and also on a subsequent claim for judicial review of the County Council's decision to issue a section 73 planning permission for the same site.

It was explained that on the first claim which related to discharging conditions on the original permission, the council had partially conceded and agreed to contribute some costs as set out in the Report.

The second claim against section 73 planning permission was unresolved and awaiting High Court decision.

The Report was noted.

65 **Schedule of planning applications**

The Committee received and noted the report (CET/24/84) on action taken under delegated powers.

66 **Schedule of consultation responses**

The Committee received and noted the report (CET/24/85) on corporate responses on strategic planning applications sent to the relevant district councils.

The County Planning Manager informed the Committee that this information would now be brought to future meetings following a recent audit inspection which made this suggestion.

NOTES:

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

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

The Meeting started at 2.15 pm and finished at 3.35 pm

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

7 November 2024

Present:-

Councillors J McInnes (Chair), C Whitton, C Leaver, A Davis (Vice-Chair) and A Saywell

* **91** **Declaration of Interests**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [County councillors who are also district, borough, city, parish or town councillors.](#)

* **92** **Minutes**

RESOLVED that the minutes of the meeting held on 20 May 2024 be signed as a correct record.

* **93** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **94** **County Returning Officer**

It was **MOVED** by Councillor Davis, **SECONDED** by Councillor Leaver, and

RESOLVED that, in accordance with the Representation of the People Act 1983, and in line with the Council's scheme of delegation, Miss M Price be formally appointed to be the Returning Officer for election of Councillors of the County.

* **95** **Draft County Council Election Fees 2025**

The Committee considered the schedule of fees for the 2025 Quadrennial Elections which had been prepared in consultation with Deputy (District Council) Returning Officers reflecting previous past practice, application of staff pay awards from between 2021 and 2024, Expenses Guidance for Returning Officers (Department for Levelling Up, Housing and Communities of February 2024) and the benchmarking of District Council payments for recent elections, as an uplift to the fees.

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The Committee wished to place on record their thanks to all the elections staff and their dedication and expertise in supporting elections.

It was **MOVED** by Councillor Davis, **SECONDED** by Councillor Leaver, and

RESOLVED that the schedule of fees for the 2025 Quadrennial Elections be approved.

NOTES:

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

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

The Meeting started at 3.03 pm and finished at 3.16 pm

CHILDREN'S SCRUTINY COMMITTEE

16 September 2024

Present:-

Councillors T Adams (Chair), P Sanders (Vice-Chair), S Aves, J Bradford, J Brazil, M Squires and C Slade; and Councillors C Channon, L Hellyer and J Wilton-Love (remote)

Apologies:-

Councillors A Dewhirst, P Maskell, R Peart, R Radford and C Mabin (Church of England Diocesan representative)

Members attending in accordance with Standing Order 25

Councillor L Samuel (Cabinet Member for Children's SEND Improvement Services) and J McInnes

* 160 **Chair's Announcements**

The Chair welcomed the representatives of school leaders and partner organisations that were present to speak to the Committee, thanking them for their attendance.

* 161 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. [A list of county councillors who are also district, borough, city, parish or town councillors.](#)

* 162 **Minutes**

RESOLVED that the Minutes of the meeting held on 17 June 2024 be signed as a correct record.

* 163 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 164 **Public Participation**

There were no oral representations from members of the public.

* 165 **Responses of the Cabinet to Reports of the Committee**

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There was no specific update on responses of the cabinet to reports of the Committee that warranted comment under this item. The Cabinet Member for Children's SEND Improvement Services advised that they would provide relevant information under the appropriate items during the meeting.

* **166** **Scrutiny Committee Work Programme**

The Scrutiny Officer updated Members as follows:

- Masterclass on Lifelonglinks – scheduled for 24 September 2024;
- The next meeting of the Scrutiny Committee – scheduled for 11 November 2024 – including the items for consideration at that meeting;
- The possible future consideration by Scrutiny of Family Hubs, as recommended by Cabinet on 14th August 2024 and the Youth Justice Plan which was considered by Full Council on 5 September 2024

* **167** **SEND Transformation Programme Update**

(In accordance with Standing Order 25, Councillor L Samuel attended and spoke to this item with the consent of the Committee)

The Committee considered the Report of the Director of Children & Young People's Futures (CS/24/24) which provided the Scrutiny Committee with an update on progress made on the SEND Transformation Programme since the last meeting of the Committee.

The supplement to the Report updated on progress made under a number of categories, these being SEND Strategy; Early Help & Inclusion; Preparation for Adulthood; Statutory SEN Processes; Sufficiency; Financial Management & Placement Value; and Multi-agency Pathways, as well as providing key statistical information around Education, Health and Care Plans (EHCPs) and placement costs. A programme milestone tracker was also included.

There was significant discussion around capacity in the Statutory SEND Team. This included concern around the SEND overspend, reported as £7 million at the Devon County Council Cabinet, in the context of the Local Authority needing to make savings and increase this capacity whilst also protecting the interests of vulnerable children. There was further detailed discussion around EHCPs including:

- The absence of EHCP timeliness statistics in the report;
- Challenges with retention, recruitment and long-term sickness in the Statutory SEND Team;

- That several performance indicators pertaining to EHCPs had started to trend positively;
- Challenges around EHCP assessments. Representatives of school leaders and partner organisations spoke to these challenges and the impact that, for instance, unsuccessful applications or the difficulty of procuring timely assessments can have on the overall experience of families, children and schools, and the timeliness of the process;
- That there was still a significant backlog of outstanding EHCP reviews, but that backlog was reducing, indicating a positive trend;
- The admission that there was still inconsistency in the experience of families and children with regard to the EHCP process; and
- The mechanisms surrounding cessation of EHCPs and the support given to young people at this point.

Other aspects of the discussions between members and officers included:

- Support voiced for the layout and format of the information provided, appreciating the Red, Amber, Green (RAG) ratings and simple layout of the supplement which enabled the Committee to easily track progress;
- The mechanisms by which Children's Services got feedback from service users to ensure that the positive steps reflected in the report were being felt 'on the ground';
- School attendance and whether there had been improvements. It was noted that this was a complex issue, and that children with complex needs were more likely to have low attendance;
- The unique nature of rural deprivation versus urban and the importance of recognising this, noting however that both were of importance;
- Inequalities in school funding which worked to the detriment of Devon, who received significantly less money per year from Government to fund its schools. The Council's leadership had been lobbying its MPs for assistance with this;
- Funds that had been paid to the Authority which were being used to support Educational Psychologist provision and development of Early Help services. However there was concern raised by a school leader representative of the implications of schools being directed to return funding to the Council, which necessitated the removal of pastoral and SEND support. Additionally there was an increase in students receiving

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Early Help involvement, with schools being asked to take the lead on this, negatively impacting staff time and resources;

- Member opinion that work to improve communications should be done in liaison with parents to ensure that changes to communications and use of language is informed by service user understanding.

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

RESOLVED that the Scrutiny Committee:

- (a) Welcomes the update from the SEND Transformation Programme laid out in the report with partners.
- (b) Supports the Council's continued lobbying of Devon MPs on fair funding for Devon's Schools, working with the f40 Group.
- (c) Asks that the next update report also includes further information on the safety valve transformation implementation programme, EHCPs including timeliness and communication with families.

* 168

Sufficiency Strategy

The Committee considered the Report of the Director of Children's Services / Head of Service of Commissioning and Resources (CS/24/25) on the draft Sufficiency Strategy for Children in Care and Care Leavers 2024 – 2029. This strategy, which was [available online](#), pertained to the Authority's needs to fulfil its Corporate Parenting responsibility for children within its Local Authority Area. The Strategy had five key areas of focus: Providers; Building Bridges; Fostering; Promoting Stability; and Stepping Forward. The Report highlighted the vision to "have the majority of children in care in family-based placements" and "to significantly reduce the ratio [...] of out of area placements."

Discussion points between members and officers included:

- What level of consultation had been done with children in care in the preparation of the strategy. Officers explained that the draft strategy included a "Feedback from children and young people" section and that, whilst they had not been presented with the strategy itself per se, officers were confident that young people's views had been collected and considered. Officers further noted that they had received feedback from some young people feeling 'over consulted,' which officers wished to be mindful of;
- Reference in the Report (2.9) to the upskilling of staff: the rationale for doing so and mechanisms to achieve this. Members heard that an audit of the training by external providers given to their staff was

underway to ensure that the training was suitable and fit for purpose. In the meantime, the Service was having targeted conversations with provided on an as-required basis concerning individual young people with complex needs;

- Whether there was feedback regarding the 'Stand Up Speak Up' with regard to effectiveness and take-up and how the website was promoted to young people; and
- The assertion in the Report that there were theoretically sufficient providers in Devon to enable all Devon children in care to live in the county versus the realities of the situation. Officers explained that there were cases where a child in care would be placed outside of Devon because that was in that child's best interest, but acknowledged that there were children in care placed outside of Devon inappropriately, with work ongoing to rectify that, which was yielding promising results early on.

Members welcomed the positive aspects of the report and associated strategy. There was comment however that the Scrutiny Committee would like to see future reports include information – plans, outcomes – to support their scrutiny and overview function.

It was **MOVED** by Councillor Aves and **SECONDED** by Councillor Adams that the Scrutiny Committee supports the overall direction within the Strategy and welcomes further engagement on the strategy.

It was then **MOVED** by Councillor Brazil and **SECONDED** by Councillor Sanders that the motion be **AMENDED** by the addition of the following:

That the Scrutiny Committee ask Cabinet to consider the use of the second home council tax premium to invest in housing for both key workers and care leavers.

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

It was therefore voted on (as the substantive motion) and **RESOLVED** that the Scrutiny Committee:

(a) supports the overall direction within the Strategy and welcomes further engagement on the strategy; and

(b) asks Cabinet to consider the use of the second home council tax premium to invest in housing for both key workers and care leavers.

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* 169 **Local Government and Social Care Ombudsman (LGSCO) Report - Update on Progress**

The Committee considered the Report of the Director of Children and Young People's Futures (CS/24/26) which updated the Scrutiny Committee on the actions taken arising from recommendations made in a Local Government and Social Care Ombudsman (LGSCO) report regarding Special Guardianship Allowance (SGA) payments.

Members were advised that the complainant in question had received the payments that were due to them and that the Service had undertaken reviews of all other SGAs in light of the LGSCO's findings.

Members raised concern around the delays seen in the Stage 2 complaints process; and confirmed with officers that the Authority had allocated sufficient funds to cover its liabilities in relation to the LGSCO's findings moving forward.

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

RESOLVED that the Scrutiny Committee welcomes and supports the progress with the implementation of the actions arising out of the recommendations made in a Local Government and Social Care Ombudsman Report.

* 170 **Children's Scrutiny Social Care Visits Report**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/28) on the Children's Scrutiny Committee visits to the Council's Front Door, Assessment Teams and Public Health Nursing staff.

Of particular note was the theme of wellbeing, in particular how the Council could be proactive in supporting its staff in terms of building resilience and supporting staff to manage issues and concerns before they grow into large-scale problems. There was also recognition of supporting staff where problems do arise, such as through the Employee Assistance Programme (EAP).

Member discussion points included:

- Front Door referral rates, including how Devon's compared to other authorities and variance depending on the time of year; and
- Frustrations that had been raised to councillors regarding the availability of adequate places for staff consultations with clients, particularly regarding district council offices.

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

RESOLVED that the Scrutiny Committee:

(a) Commend the report to Cabinet for Cabinet to consider the findings as part of the Council's improvement journey in Children's Services; and

(b) Ask that Cabinet has due consideration of the following key points for improvement and responds to the Children's Scrutiny Committee at its Committee meeting in March 2025:

- The widespread acknowledgement of the impact of improvements in the Front Door on the wider service.
- The continued need to reduce the number of agency staff in the Assessment Teams.
- The need to create more pace in the recruitment process so that staff can be recruited quickly into posts.
- How the Council can further support staff, through the supervision and counselling offer, who experience difficult or upsetting cases which affect the emotional wellbeing of staff.
- Consideration of amending the duty week to ensure a more equitable allocation of cases between Assessment Teams.
- The support from Staff for the re-tendering of the case management system.
- The need to ensure that on joint visits, the Police are always present to support our staff.
- The need to lobby the Government and the Department for Health and Social Care for a better funding formula for Public Health that reflects Devon's current needs.

* 171 **Proposed Relocation of Tipton St John Primary School**

In accordance with Standing Order 23(2), Councillor J Bailey had asked that the Committee consider this item.

Councillor Bailey spoke to the Committee regarding plans by the Council to relocate Tipton St John Church of England Primary School due to the current building's location being at risk of flooding. The Committee heard that the Council's current direction of travel was to relocate the school to Ottery St Mary and was on track for a decision at the December meeting of the Council's Cabinet. Councillor Bailey expressed concern regarding the lack of member oversight and asked that the Scrutiny Committee exercise its overview function to examine the proposal and its rationale.

The Committee heard from an officer that an element of the statutory consultation regarding the proposed relocation had been paused, so that the December timescale was no longer accurate, and a decision would be taken later than that.

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Members supported the request to exercise their overview function and agreed to add this to the work programme as a more broad examination of the process by which the Council reaches such decisions.

* 172 **Regional Adoption Agency (RAA) Joint Scrutiny Group Report**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/34) on the Regional Adoption Agency Joint Scrutiny Group meeting on 25 July 2024.

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

RESOLVED that the Committee accept this report as an accurate record of the issues explored in the meeting ensuring transparency in scrutiny activities.

* 173 **Children's Standing Overview Group**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/33) on the Children's Scrutiny Committee Standing Overview Group meeting on 29 July 2024.

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

RESOLVED that the Committee accept this report as an accurate record of the issues explored in the meeting ensuring transparency in scrutiny activities.

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

The Meeting started at 10.30 am and finished at 1.11 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

23 September 2024

Present:-

Councillors S Randall Johnson (Chair), A Connett (Vice-Chair), R Chesterton, D Cox, I Hall, L Hellyer, P Maskell, D Sellis, R Scott and J Yabsley; and Councillor C Hodson (remote)

Apologies:-

Councillors Y Atkinson, J Bailey, P Crabb, R Peart and C Whitton

Members attending in accordance with Standing Order 25

Councillors P Bullivant and J McInnes; and Councillor R Croad (remote)

* 184 **Chair's Announcements**

The Chair reminded members of the Committee on standard housekeeping including that the meeting was being livestreamed. The Chair also welcomed Councillor Alan Connett to his first meeting of the Health and Adult Care Scrutiny Committee in his role as newly-appointed Vice-Chair.

* 185 **Declarations of Interest**

Members were reminded that they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item.

The list of Membership of other Authorities can be found here: [County councillors who are also district, borough, city, parish or town councillors](#)

* 186 **Minutes**

RESOLVED that the minutes of the meeting held on 24 June 2024 be signed as a correct record.

* 187 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 188 **Public Participation**

There were no public representations made.

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* 189 **The Integrated Adult Social Care and Public Health approach to prevention and the role of elected members**

(In accordance with Standing Order 23(2), Councillors R Croad and P Bullivant spoke to this item).

Councillor Ian Hall declared a personal interest in this item by virtue of being the Co-Chair of the One Eastern Devon Partnership Forum; and by virtue of being the Devon County Council representative of the Council of Governors of the Royal Devon University Healthcare NHS Foundation Trust.

The Committee considered the Report of the Director of Integrated Adult Social Care and the Director of Public Health and Communities (IASC/24/12) on preventative action in respect of health outcomes and the approach therein by Integrated Adult Social Care and Public Health. The Report outlined the importance of embedding prevention across all levels of local government as well as external partners, in order to reduce long-term demand on services and promote movement towards being a healthier population; and the role of elected members in line with the Local Government Association (LGA) guidance on prevention.

Officers outlined the broad range of areas that needed to be considered with regard to prevention, including more direct determinants of public health, but also wider factors such as economic conditions. Work on encouraging smoking cessation and legislative change such as that regarding smoking and clean air, was also part of the overall picture.

The Cabinet Member for Public Health, Communities and Equality drew particular attention to Appendix 3 of the Report which provided projections of the underlying health trends in older people without preventative interventions; the evidence suggested significantly worsening conditions across a number of areas, evidencing the paramount importance of a robust preventative approach to health outcomes.

The Cabinet Member for Integrated Adult Social Care & Health referred to the large financial commitment of healthcare, particularly in the context of Devon's aging population, and commended officers, as well as colleagues in the NHS and voluntary sector, for their ongoing work to recognise the value of prevention.

Key discussion points included:

- The role of town / parish councils in, for instance, providing wooded areas and local schemes encouraging residents to exercise. There was further discussion around the degree to which lower-tier authorities recognised their critical role. Senior officers expressed willingness to engage with these authorities to assist them in understanding and carrying out their critical role in prevention;

- Obesity, including the ongoing impact of the Coronavirus pandemic on activity levels and, consequently, obesity. Officers outlined the significant health impacts of obesity on an individual entering older age and its relevance in terms of prevention. Officers expressed their support for Government legislation that, as of 1st October 2025, would place limitations on advertising unhealthy foods pre-watershed. They also referred to a significant body of evidence regarding the positive impact on obesity levels of providing outside 'green' and 'blue' spaces;
- The importance of infrastructure and that a preventative approach to achieve positive health outcomes should inform strategic planning, for instance through the planning and construction of walking and cycling infrastructure to ensure people do not need to rely on cars and other forms of private transport; the Chief Executive expressed the importance of such an approach, including joint working with other bodies. Senior officers offered to circulate the Council's response to the Government consultation on National Planning Policy Framework to the Health and Adult Care Scrutiny Committee Members;
- Member experience in their wards regarding walking paths and bus services, which encourage movement, with some councillors expressing concern around the overreliance on private transport in their divisions due to poor infrastructure;
- The use of data and evidence, including Public Health data through the Joint Strategic Needs Assessment to develop policies which encourage positive outcomes including health benefits and independence;
- Reference to the report's claim around the difficulty of evidencing successful specific prevention. Officers advised that one example was social care reimbursement for independent services which consisted of short-term interventions for people to support them achieving independence; namely, supporting them early on a short-term basis which prevents their future reliance on long-term social care services; and
- The NHS view on integrated working regarding place-based planning and an agreement that promoting active lifestyles within communities should be a key focus.

The Committee wished for a further report to come back to the Committee in 12 months' time with an update and progress report to include self-assessment, improvement journey and key risks.

The Chief Executive and the Cabinet Member for Integrated Adult Social Care & Health expressed support for the sentiment that prevention should be considered by Cabinet as a formal priority of the Council, alongside alignment

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with the Council's place-based strategy, which was discussed at the meeting between the Chief Executive and members.

* 190 **General Practice Access**

The Committee considered the Report of NHS Devon which updated on General Practice access, provided information from the July 2024 GP Patient Survey, and noted challenges relating to accessing services including for people who were homeless, vulnerably housed or prison leavers.

With regard to GP access, Devon was performing comparatively well when compared with regional and national data, with South Devon achieving the highest percentages of those seen within a timely manner; however, in terms of the GP Patient Survey results, South Devon recorded the lowest satisfaction scores (as compared with North and East Devon), although these were still higher than the national average.

Rurality, digital access, and deprivation were covered as specific challenges to GP access within Devon.

Community pharmacies was also an aspect of discussion in the report as an important first point-of-contact for healthcare, being easily accessible and offering a “growing number of clinical services as well as the dispensing of medication.”

Discussion points included:

- To what degree there was a public perception of poor GP performance and access that contrasted with the data which suggested to some degree that the system was performing well;
- Challenges with GP demand outstripping supply, despite positive work done on this point. This included challenges recovering from the Coronavirus pandemic;
- The degree to which patients use the Emergency Department at hospitals as a first point-of-call where they should use other services such as community pharmacies, MIUs or General Practice;
- The possibility of 24/7 provision particularly in light of a changing workforce across the country, with people working irregular or unsociable hours. Officers explained that work was ongoing to expand the GP offer, but that it was important to map this to local demand. With specific reference to community pharmacies, members heard that this was not necessarily practical as they relied heavily on fees from dispensing medication and so, on the existing model, expanding opening hours did not represent an easy possibility; and

- Minor Injury Units (MIUs) including short-term and ad-hoc closures, for instance in response to staff pressures. Officers advised that these pressures were slowly alleviating, and that a significant amount of work had been done on building a more resilient MIU workforce.

* 191 **Integrated Adult Social Care Customer Feedback**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/35) on the Standing Overview Group of the Scrutiny Committee, held 22 July 2024, whereby officers from Integrated Adult Social Care (IASC) and Customer Relations presented to members on how IASC collects feedback with regards to the lived experience of Devon residents using their services, including recurring themes on customer feedback and how IASC was responding.

The Report outlined that communications, delays in service, and the quality of services were the primary drivers of complaints, including an increase in the proportion of complaints for the quality of, and delays in, service provision for 2023-24 compared to 2022-23. Further data was provided on how many complaints were responded to within target timescales, how many were investigated further by the Local Government and Social Care Ombudsman (LGSCO) and the proportion of complaints that were partially or fully upheld. The Report also noted that IASC could do more to collect compliments, and take positive learning from these; as well as outlining a number of surveys that had taken place for various people (including service users and carers) and responses thereof.

The Report further noted issues identified by members at the Standing Overview Group, including: the rise in LGSCO complaints in 2023-24 compared to the previous year; complaint response times; the need to encourage compliments; and a lack of organised customer feedback benchmarking data for easy comparison with other local authorities.

Key elements of discussion at the meeting of the Scrutiny Committee included:

- The usefulness of some of the data reported, such as providing information on the percentage of customer complaints responded to within a deadline. A member observed that this did not provide context regarding by how far the deadlines were missed. Officers acknowledged that further work could be done to consider how data was presented to members to be more meaningful in this respect;
- That complaint numbers were very low as a proportion of service users, with officers asserting that on this basis the service does do very well, notwithstanding that there were improvements to be made with regard to service provision as well as mechanisms for collecting feedback; and

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- Assurance given to members by senior leadership that urgent complaints that required immediate response were addressed as a priority, namely that there were mechanisms of prioritisation.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Connett and

RESOLVED that the Scrutiny Committee requests:

(i) That Integrated Adult Social Care (IASC) complaint response time targets are closely monitored and included in an annual report to the Health & Adult Care Scrutiny Committee; and

(ii) That the data collection process for IASC compliments is reviewed.

* 192 **Teignmouth Health and Wellbeing Centre Development**

The Committee considered the Report of NHS Devon which provided an update on the work by NHS Devon to secure accommodation for Channel View Medical Practice in Teignmouth. Context was provided that, in July 2024, the NHS had cancelled plans to build a new Health and Wellbeing Centre in Teignmouth due to significantly increased construction prices and borrowing costs since estimated costs for building were published in 2020.

The Board of NHS Devon had met to ensure continuity of services by supporting Channel View Medical Group including exploring options around: negotiating for the retention of the existing estate; and procuring additional office space to enable the practice to operate as effectively as possible.

In response to member questioning, it was advised that NHS Devon had actively engaged a facility management company to assist with exploring solutions and that an update should be available towards the end of October. The Committee requested therefore that NHS Devon provided an update at its November meeting.

Other discussion points included:

- The change of process for referral of issues to the Secretary of State for Health and Social Care since the issue of health services in Teignmouth was last considered by the Scrutiny Committee, so that instead of the referral power, Health Overview and Scrutiny Committees and other interested parties can write to request that the Secretary of State considers calling in a proposal.
- Concern raised by some members of the Committee regarding the material change in circumstance since the issue of health services in Teignmouth was last considered by the Scrutiny Committee, when the

Committee was under the impression that the construction of the Health and Wellbeing Centre would continue as planned, and the feeling of these members that the issue justified further consideration by the Committee. There was disagreement between members on this point.

* 193 **Healthwatch Annual Report**

The Committee considered the 2023/24 Annual Report of Healthwatch in Devon, Plymouth and Torbay. The Report described “the wide range of engagement, representation and impact undertaken by Healthwatch in Devon, Plymouth and Torbay” in the year 2023-24.

A representative of Healthwatch attended to speak to the Committee. They explained that, since publishing the Annual Report, Healthwatch had been asked to work with NHS Devon to facilitate further engagement activities to inform the development of community pharmacy services in Devon. The Chair of Healthwatch in Devon, Plymouth and Torbay was also due to meet, the day after the Committee, carers leads across Devon, Plymouth and Torbay to look at recommendations from the Annual Report.

Key discussion points included:

- Feedback from the Committee that they would like to see more Devon-specific information in the report as there appeared to be a focus on Torbay and Plymouth . The Healthwatch representative acknowledged the request, and commented that much of Healthwatch’s work was across all three areas, reflecting the footprint of the Integrated Care Board;
- Levels of cross-organisation communication and sharing of best practice, particularly with regard to community pharmacy. Members heard that this did happen regularly, for instance: through NHS Devon; through other providers such as the Royal Devon University Hospital NHST Trust in Exeter; and sharing lessons from a recent report around complaints that was done in partnership with the University Hospitals Plymouth NHS Trust;
- Healthwatch attendance at Health and Wellbeing Alliances. Members were advised that Healthwatch did not currently attend these, but did attend Health and Wellbeing Boards, and was currently looking at increasing their staffing capacity to accommodate better attendance at a wider range of key meetings. An NHS representative commented on Healthwatch’s excellent attendance at Unscheduled Care Boards and the Chair thanked Healthwatch for their contribution to various Scrutiny related reviews.

* 194 **Health and Adult Care General Update**

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The Committee considered the Joint report from the Director of Integrated Adult Social Care at DCC, the Director of Public Health and Communities at DCC, and the Locality Director of North and East Devon, NHS Devon (IASC/24/13) which contained updates on key and standing items and provided general information on specific actions, requests or discussions during the previous meeting of the Committee.

Prior to the meeting, members were advised that section 3.1.2 regarding the forecast Adult Care Operations overspend should read £1.1 million, not £1.7 million.

Attention was drawn by a member to section 3.7 of the report which referred to the annual Association of Directors of Adult Social Services (ADASS) survey. It was wished that the Authority would receive more funding for prevention and early help, in line with the discussions had earlier in the meeting.

The Committee also heard from Councillor Hellyer, the Committee's Domestic and Sexual Violence and Abuse Champion. She updated the Committee on:

- Therapies and counselling service for adult victims of domestic abuse run by the SAFE Foundation, who had been commissioned to deliver therapies and counselling across Devon to victims and survivors of domestic abuse who also had housing and accommodation needs as a result of the abuse. Many had previously sought help but experienced limited success with conventional therapies such as Cognitive Behavioural Therapy (CBT) and therefore needed a more bespoke service that understood the individual needs of victims; and
- The Asylum Seeking and Refugee Women and Girls Project run by The Olive Project, in partnership with Devon and Cornwall Refugee Support and Plymouth and Devon Race Equality Council. The Project provided a trauma-informed support service to address the needs of asylum-seeking women and girls affected by domestic abuse or sexual violence.

* **195** **Scrutiny Committee Work Programme**

The Committee agreed the current Work Programme subject to inclusion of topics which arose from the meeting. This included a future update on health services in Teignmouth.

* **196** **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.

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

The Meeting started at 10.30 am and finished at 12.46 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 November 2024

Present:

Councillors S Randall Johnson (Chair), Y Atkinson, R Chesterton, P Crabb, P Maskell, R Peart, R Scott and C Whitton

Present (virtual):

Councillors A Connett (Vice Chair), J Bailey, I Hall, L Hellyer, C Hodson, D Sellis and J Yabsley

Members attending in accordance with Standing Order 25

Councillors J McInnes (virtual) and P Bullivant

* 197 **Chair's Announcements**

The Chair thanked everyone for their patience in waiting for the meeting to start, as it had done so late in response to inclement weather and impact on travelling times, to allow the meeting to reach quorum and proceed as planned.

* 198 **Declarations of Interest**

Members were reminded that they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item.

The list of Membership of other Authorities can be found here: [County councillors who are also district, borough, city, parish or town councillors](#)

* 199 **Minutes**

RESOLVED that the minutes of the meeting held on 23 September 2024 be signed as a correct record.

200 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

201 **Public Participation**

There were no representations made by members of the public.

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* **202** **In-Year Briefing: Integrated Adult Social Care**

The Committee considered the Report of the Director of Integrated Adult Social Care (IASC/24/26) which provided an in-year financial and performance update of Integrated Adult Social Care, highlighting the key risks facing the directorate.

Officers invited queries to the report, outlining that their focus for the report was to give members an understanding of the directorate's key priorities, as well as information that they predict the Care Quality Commission (CQC) would be looking at when they inspect the directorate.

Discussion points between members and officers included:

- Deprivation of Liberty cases including a backlog of assessments and lack of assessment capacity. Officers explained that this was a national issue, although Devon was performing poorly compared to national benchmarks. They further outlined the complexity of the issue and the importance of addressing three key areas of Deprivation of Liberty cases, those being the waiting list, front-end demand and annual assessments; further investment had been earmarked for this. Members heard that failing to address all three may lead to over-focus on one, creating problems in a different category in the future;
- Dementia care, which was highlighted as a key risk to the directorate. This, alongside the Deprivation of Liberty issues, were raised as something that warranted future attention by the Committee;
- Budgetary pressures preventing a shift towards prevention. Member concern was raised as the prevention model had previously been highlighted, on a number of occasions, as a priority;
- Care placements and transitions. Officers highlighted the importance of ensuring the right care at the right time for individuals, and explained that they planned on bringing further information on transitions to the Committee in the future;
- Safeguarding adult concerns, as highlighted at 3.5.6 and 3.5.7 of the report. Members and officers discussed the importance of this issue, including ensuring safeguarding outcomes are personal and appropriate to each individual;
- Waiting lists for statutory assessments under the Care Act. Officers hoped that, at the next meeting of the Committee, they would be able to evidence shorter waiting lists and times off the back of focused work that the directorate had undertaken to reduce waiting lists;

- Workforce, including zero-hours contracts and the impact of a reduced international workforce due to immigration changes (including rule changes on those emigrating into England to work in Adult Care preventing them bringing their dependents with them);
- Increased pressure and demand on the Devon Community Equipment Service; and
- Cost concerns and funding gaps, further information on which would be brought to the Scrutiny Committee in the future. Such concerns included:
 - Whether costs charged to the directorate by partners, such as the NHS, had increased; and
 - That there were areas that Devon County Council were picking up costs in that were not considered their statutory obligation, and the need to address this to ensure best value. The Chief Executive of the Council referred to ongoing work in conjunction with Plymouth and Torbay to address this.

Members thanked officers for the report.

* 203 **NHS Dental Services in Devon**

The Committee considered the Report of NHS Devon which provided a briefing on the current state of NHS dental services in Devon including key 2024/25 priorities, NHS oral health schemes, and information on recruitment and dentist access.

Discussion points included:

- Member support regarding programmes in place to improve oral health. However there was disappointment raised in that the report, in places, addressed concerns and issues without adequate discussion regarding solutions;
- A £20,000 incentive, referred to in the report, to “encourage relocation to areas that have historically struggled to recruit, attract new workforce to the NHS, and retain dentists to move into deprived areas.” Members queried the take-up of this incentive, with officers explaining that approximately seventeen organisations had expressed interest in this with the NHS able to provide funding for all of these. Nationally, take-up was mixed;
- Member concern around the pervading issue of NHS dentistry access for ordinary families which was not being addressed by the NHS. Members heard that there was no legal framework under the relevant

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dental services legislation from 2006 that allowed ongoing patient registration with NHS dentistry, and that if someone were to access an NHS dentist for care, that registration lasts only as long as the course of treatment. It was further explained that the Chief Dental Officer during the Coronavirus pandemic stressed to dental practices that they should not be retaining the same patients, but should be trying to prioritise patients on a needs basis. This had unfortunately led to patient churn and a loss of access to NHS dentistry for some. In spite of this, some routes had been explored aimed at improving public access to NHS dentistry, as in the report, such as by incentivising urgent care appointments and the existence of stabilisation stations;

- Recruitment and retention issues. Members heard that those who graduated from Peninsula Dental School in Plymouth were previously given more choice where to apply to work once graduating, including remaining in Devon if they wished to do so. Changes to this model meant that graduates were being moved to other parts of the country, having a negative impact on retention of dentistry staff in Devon;
- Orthodontic provision in North Devon, which was lacking. It was explained to members that procurement was challenging, but was progressing.

* 204 In-Year Briefing: Public Health

(In accordance with Standing Order 25(2), Councillor P Bullivant attended the meeting and spoke to this item).

The Committee considered the Report of the Director of Public Health and Communities (PH/24/02) which provided a mid-year briefing on service delivery by the Public Health and Communities directorate. This included performance information in a number of areas in addition to budget delivery.

The Director of Public Health and Communities explained that there had been a rise in key public health services, with figures returning to similar levels, if not higher in some areas, than pre-COVID.

Key discussion points included:

- That Devon had a very low amount of funding per head for its adult care services at c. £37 per head, with the total allocation being around £31 million. If Devon were given an average amount per head, this would mean an extra c. £25 million allocation. In relation to this, officers outlined that priorities for more funding would be upscaling statutory responsibilities such as public health nursing, as well as investing more in services aimed at early identification and prevention of illness and disease, such as cardiovascular disease;

- Alcohol and substance abuse, including the interaction and interrelation between this and domestic abuse and the complexity of addressing these issues; and
- Food insecurity, including the role of parental responsibility and the critical importance of work aimed at reducing food insecurity.

The Chair also invited Councillor Hellyer, the Committee's Domestic & Sexual Violence and Abuse (DSVA) Champion, to comment. This was considered pertinent due to the report's information on and reference to domestic abuse. Councillor Hellyer provided further information on 'Brave Spaces,' which was referenced in the report, explaining that it brought together a number of different organisations such as CoLab Women and Encompass Southwest, among others, to offer a trauma-informed response to women with complex needs. In the last financial year, the project had supported 258 women (137 in Northern Devon and 121 in Exeter) and a total of 291 cases, in providing safe accommodation, temporary accommodation and outreach and a further 167 women with light touch support in Exeter. Additionally, the hundreds of in-person visitors to CoLab would have benefited from the expertise of Brave Spaces staff present. Brave Spaces had also been leading on a number of pre-agreed 'Pioneer Projects.'

* **205** **Teignmouth Primary Care: Update on Channel View**

The Committee considered the Report of NHS Devon which provided an update on the current state of primary care provision in Teignmouth. This was in relation to the issue of primary care services previously proposed to be moved to a health and wellbeing centre planned to be built in Teignmouth town centre. However, financial challenges had prevented this, placing the provision of primary care in doubt, given the lease of the building where Channel View Medical Group was housed was due to run out from April 2025. The Scrutiny Committee had considered the issue a number of times, most recently at its meeting in September 2024 ([minute *192](#) refers).

Members expressed major concern around what happens post-April 2025 and sought assurance that Teignmouth would have primary care provision in place by 1 April 2025. Officers advised that the exact nature of provision was still under consideration but that something would be in place by 1 April 2025, with a further update to the Committee to follow.

* **206** **Findings from the Ombudsman's Report into the Case of Mr C**

The Committee considered the Joint report of the Directors for Integrated Adult Social Care and Children and Young People's Futures (IASC/23/14), Report by the Local Government and Social Care Ombudsman (LGSCO), and presentation. The documents were regarding a complaint made to the LGSCO about a transition between Children's Services and Integrated Adult Social Care wherein a number of mistakes were made.

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The reports and presentation had been previously considered by Devon County Council's Standards Committee ([minute 58](#) refers) and Children's Scrutiny Committee ([minute *184](#) refers), and was submitted to the Health and Adult Care Scrutiny Committee for consideration. There were no updates to the reports available since the two previous considerations of this item by the Standards and Children's Scrutiny committees, but officers planned to update the Committee at a later date with details of changes made in response to the Ombudsman's findings.

Discussion with officers recognised member concern. Reference was made to plans some years prior to improve the transition process including starting the process, which members had been briefed on, that aimed to prevent instances such as this one occurring. Officers stated that the report acknowledged the collective responsibility in cases such as this and the mistakes made. The impact of the coronavirus pandemic, in that it interrupted previous improvement plans, was also noted. A revised transition model had also been developed alongside other changes made to the monitoring of transition assessments. In line with the Ombudsman's findings, further changes would be made.

* 207 **DPT Site Visits - An overview of Members visits to Langdon and Franklyn Hospitals**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/43) on member visits undertaken to Langdon Hospital, Dawlish and Franklyn Hospital, Exeter in September 2024 and issues identified at the visits.

Those in attendance at the visits expressed their view of the value of such visits, and that more members should try and attend visits organised by officers to broaden their understanding of key issues pertinent to their role on the Committee.

* 208 **Health and Adult Care - General Update**

Councillor Ian Hall declared a personal interest in this item by virtue of being the Co-Chair of the One Eastern Devon Partnership Forum.

The Committee considered the Joint report from the Director of Integrated Adult Social Care at DCC, the Director of Public Health and Communities at DCC, and the Locality Director of North and East Devon, NHS Devon (IASC/24/18), which contained updates on key and standing items and provided general information on specific actions, requests or discussions during the previous meeting of the Committee.

Key discussion points included:

- The impact on health services of National Insurance increases and national living wage changes. There was uncertainty on how this would impact some areas such as community pharmacies;
- Women's Health Hubs in Devon, which had not been updated on. Officers agreed to include information on this in a future update report;
- That a Poverty Truth Committee had been established in Ilfracombe; officers raised this for awareness, in case any members were interested in becoming involved. The aim of the committee was to link individuals that had a community leadership role, such as councillors, in with those experiencing poverty;
- Preparation for winter, including to what degree there were extra beds available to account for pressures during the cold months. Officers explained that plans were in place that involved increasing the availability of acute beds, as well as looking at how out-of-hospital / at-home care could be utilised effectively. Keeping Minor Injury Units open, and sustainably so, was also part of the winter strategy; and
- Minor Injury Units. Members noted the continued closure of Bideford MIU and heard that the Integrated Care Board had commissioned a review of MIU services in Devon, with a process of re-procurement planned from September 2025. Further information would be available in early 2025.

* 209 **Domestic & Sexual Violence and Abuse (DSVA) Champion**

Councillor Hellyer, as the Committee's DSVA Champion, had provided information on this topic earlier in the meeting (minute *205 refers) and had no further information to present.

210 **Scrutiny Committee Work Programme**

The Committee agreed the current work programme, subject to inclusion of issues arising from the meeting.

211 **Information Previously Circulated**

The Committee noted the previously circulated information.

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

The Meeting started at 10.46 am and finished at 1.06 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

25 September 2024

Present:-

Councillors F Letch MBE (Chair), C Slade (Vice-Chair), Y Atkinson, J Brook, R Chesterton, A Dewhirst, J Hodgson, R Radford, D Sellis, M Squires, J Trail BEM, D Thomas and J Wilton-Love

Apologies:-

Councillor J Berry

Members attending in accordance with Standing Order 25

Councillor C Leaver

* 178 **Declarations of Interest**

No declarations were received, over and above the other registrable interests of Councillors of Devon County Council, arising from membership of City, Town or Parish Councils and other Local Authorities. [A list of county councillors who are also district, borough, city, parish or town councillors](#)

* 179 **Minutes**

RESOLVED that the Minutes of the meeting held on 27 June 2024 be signed as a correct record.

* 180 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 181 **Public Participation**

There were no verbal representations from Members of the Public.

* 182 **Future Delivery Model for the Highways Maintenance Service**

The Cabinet Member for Highways Management introduced the Report of the Director of Climate Change, Environment and Transport (CET/24/65), regarding consideration of an outline business case for 5 short listed Delivery Model options, as well as the ranking of attributes for the County Council's

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Highway Maintenance Contract beyond March 2027, prior to its consideration by Cabinet. This followed Report (CET/24/44) to this Committee's last meeting on 27 June 2024 (as referenced in Report CET/24/65). Members had also attended two Scrutiny masterclasses in June and September 2024 as background. Officers further advised that it was unlikely that the Joint Venture option could now be delivered before the end of the current contract, due to timescales.

The Director of Legal and Democratic Services and the Director of People and Culture both highlighted legal and financial risks and implications in relation to the Direct Labour Organisation providing all services (i.e. In-House model). This would include substantial risk costs for personal injury and claims where work had not been completed within the timescales, as well as TUPE, pay and pension costs when compared to the private sector. There was less potential with In-House options to provide incentivised performance pay.

Members' discussion included:-

- merits of the models in relation to productivity incentives for efficient and effective work;
- ensuring a good/improved level of control by the County Council;
- use of Crown Commercial Service for procurement;
- job order and specification role to support other County Council priorities;
- current legislation, not potential legal changes, were factored into the business case;
- whilst now considering the replacement for the current Term Maintenance Contract, some ongoing Member concerns related to other parts of the highways service;
- the County Council must be fully committed to the success of whichever model was chosen;
- clarification received that the Devon and Torbay devolution deal would have no impact on this Delivery Model;
- noted the verbal update given regarding legal and human resources risks.

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

RESOLVED that Cabinet be advised:-

(a) that Members' ranking of the most important attributes of a Future Delivery Model for the Highway Maintenance Service as summarised in Appendix 4 to Report (CET/24/44) and set out below (in order of importance) be confirmed:-

1. Quality of work
2. Value for money
3. Managing performance
4. Information on work programmes
5. Response to changing demand
6. New technology and innovation

7. Level of risk to County Council
8. Climate change response
9. Achievability of transition;

(b) that having considered the financial and risk information in the outline business case at Appendix 1 to Report (CET/24/65), together with the information contained in report (CET/24/44), Scrutiny Committee's view on the short list of 5 Delivery Model options (in order of preference) were as follows:-

1. Direct Labour Organisation providing all services (i.e. All In-House option)
2. Cyclic and Reactive Services provided by Direct Labour. All other services contracted out
- Joint 3rd Term Maintenance Contract with associated Framework Contracts (current model)
- Joint 3rd Arms-Length Company (with a Teckal exemption)
5. Joint Venture Company; and

(c) that it is recommended that this Scrutiny Committee take a role in overseeing preparations for the new contract or organisation and its delivery.

* 183 **Highways Performance Dashboard - Summer 2024**

The Committee received the Report of the Director of Climate Change, Environment and Transport (CET/24/67), regarding the Highways and Traffic Management Team performance overview over the summer period 2024.

Members' welcomed noticeable improvements to the highway network in relation to the white lining programme, drainage cleaning and summer works;

Member's discussion also included:-

-that further consideration could be given to pedestrian zebra crossing practice in a neighbouring local authority;

-how dashboard work fitted with the highways asset management plan priorities;

-Member/Neighbourhood Highways Officer liaison;

-grass cutting involvement by DCC, district and parish councils for better outcomes; and

-issues with vegetation overgrowth (landowner responsibility).

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* 184 **Street Lighting Trial Update and Future Policy Considerations**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/24/66), regarding findings from the recent streetlighting trial (9 April to 21 May 2024), with earlier switch off times and further dimming of street lighting in various trial locations. This gave an opportunity to reduce carbon emissions and costs, whilst responding to local needs for lighting.

In 2015/16 DCC's street lighting asset used circa 31million kWh of electricity, by 2023/24 this had reduced to 12million kWh, equating to an annual revenue saving in excess of £6m (based on current energy price of £0.33 per kWh).

The Report did not propose any change to DCC's main road lighting regime. Whilst maintaining public safety, the trial successfully indicated it was appropriate to have different dimming regimes (e.g.urban/rural areas).

Ecologically in relation to protected species, Devon had the largest Greater Horseshoe bat population in western Europe but there was concern regarding their recent decline. Bats were directly affected by street lighting. Devon also had important dormouse and great crested newt populations.

Members' discussion included:-

-The Committee welcomed Report (CET/24/66) and supported the consideration of dimming streetlighting further than the Report proposals;

-This Committee recognised the uniqueness of Devon and the benefits of the policy consideration on reducing streetlighting, including that on the natural environment, dark skies, wildlife and health & wellbeing, in addition to reducing carbon emissions and costs;

-Members considered that three different dimming regimes were appropriate on the basis of city, market town and rural areas;

- Potential further differentiation by settlement type (e.g. to support the nighttime economy, Safer Streets, impact on shift workers / environmental and ecological factors); and

-Whilst noting the consideration of street lighting messages to the public (e.g. consistency of approach), other considerations could outweigh this.

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

RESOLVED that given all of the benefits identified above and in Report (CET/24/66), this Committee recommends to Cabinet that a three tier system be considered to take into account the separate needs of city, market towns

and rural villages, recognising the important of dark skies, particularly in rural areas and the benefits to wildlife and the environment.

* 185 **Scrutiny Work Programme**

The Head of Scrutiny updated the Committee as to the work programme.

* 186 **Future Meetings**

Please use link below for County Council Calendar of Meetings:

<http://democracy.devon.gov.uk/ieListMeetings.aspx?Committeeld=175>

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

The Meeting started at 10.30 am and finished at 12.20 pm

