

## COUNCIL

5 October 2017

### Present:-

Chair: R Radford

Vice-Chair: R Edgell

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

### Apologies:-

Councillors H Ackland and Y Atkinson

## **32 Honorary Alderman - Ceremony of Conferment**

Pursuant to the decision taken at the Extraordinary Meeting of the Council held on 25 May 2017 to confer the title of Honorary Alderman upon former Councillor B Hughes OBE, the Chairman presented to him a Pendant of Office and Commemorative Scroll.

The Leader of the Council, Councillor Hart spoke regarding his nomination of former Councillor B Hughes OBE for Honorary Alderman commending the eminent service he had given to the Council; remarks echoed by a number of other members of the Council. The newly appointed Honorary Alderman responded.

## **33 Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 20 July 2017 be signed as a correct record.

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

## **34 Announcements**

The Chair reported on the passing of Eleanor Cohen, who had represented the Plymouth St Peter Division on the former County Council, between 1989 and 1997, having been unwell for some time and also of Dennis Dicker, who represented the Plymouth Plymstock Dunstone Division on the former County Council between 1977 and 1985 and then again between 1989 and 1997.

The Council also received the excellent news that Andrew White (son of Richard White from the Council's Commissioning team) had been successful at the Invictus Games in Toronto, with a silver medal in the Time Trial and Gold in the Criterium and was the Invictus Games Cycling Champion 2017. The Council congratulated Andrew and all those who participated in the Invictus games.

The Chair also formally recorded his thanks to Colin Davis, who had acted, primarily, as Chauffeur to the Chair of the Council for a number of years, with 41 years service in Local Government, with 32 of those at Devon County Council.

The Leader presented Colin with a certificate of appreciation.

**35 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**36 Public Participation: Petitions, Questions and Representations**

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on free school meals and school holidays.

The Cabinet Member also responded orally to the supplementary question arising from the above.

*[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

**37 Petitions from Members of the Council**

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

**38 Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 10 questions submitted by Members of the Council relating to dispensation permits, county hall barriers and relevant traffic orders, Recruitment of EU Citizens to health, social care and education, social workers survey and reduced care packages, private finance initiative contracts, devolution, pay & display parking tickets, compliance with policy in relation to school uniforms and traffic calming at St Georges Road, Barnstaple.

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

*[NB: See also responses to Questions referred to at Minute 36 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

**39 Cabinet Member Reports**

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

**(a) Community, Public Health, Transportation and Environment**

Councillor Croad circulated a report, as requested by Councillor Hannaford, on the HIV Support Services provided by The Eddystone Trust and also responded to questions on prevention and relevant preventative services.

**(b) Children's Services and Schools**

Councillor McInnes circulated a report on the Corporate Parenting Board Summer Walkabout. Following a refreshed approach to the Board's work, the new model included some 'out and

about' activity, and this walkabout was a fact finding mission, opening a window into the system which had brought into sharper relief the issues and concerns of the frontline.

He also responded to questions on the numbers of social workers and turnover rates, the role of personal advisers, caseloads, progress with co-location, the importance of adequate support to assist with transitions from care and opportunities for other Members to be involved in future like events.

**(c) Organisational Development and Digital Transformation**

Councillor Parsons commented, as requested by Councillor Dewhirst, on leadership in diversity and equality, including the importance of appropriate language in maintaining and increasing confidence within communities. He further reported, as requested by Councillor Aves, on the Council's continued support for Fairtrade so that the alternatives (e.g. Fairly Traded) would not weaken the good work done by Fairtrade respectively.

**40 Minutes**

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

Standards Committee	-	29 August 2017
Appeals Committee	-	4 September 2017
Development Management Committee	-	6 September 2017
Procedures Committee	-	13 September 2017
Audit Committee	-	14 September 2017
Investment & Pension Fund Committee	-	15 September 2017
Appointments & Remuneration Committee	-	27 September 2017
Health & Adult Care Scrutiny	-	26 July and 21 September 2017
Children's Scrutiny	-	11 September 2017
Corporate Infrastructure & Regulatory Services Scrutiny	-	26 September 2017

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

**41 Schools Funding - Outturn Surplus and Re-allocation of Funds (Minute 30 - 20 July 2017)**

Pursuant to County Council Minute 30 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

*'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15,299 m with no spending being made against the reserves for budget management, business rates risk, emergency, and on street parking in 2016/17.*

*Accordingly County Council agrees to compensate all school budgets, which had suffered a £33 per pupil cut in 2017/18, by the equivalent of the loss in their budgets consequent upon this decision taken in setting the County Council's budget for 2017/18.*

*The cost of this action, approx £2.2m, be met from the earmarked reserve for budget management.*

*(2) that the County Council organises a round table at which representatives of the Devon schools community debate with all the MP's representing new Devon the issue of future school funding including a revised schools funding formula.'*

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55a of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

*the Cabinet's advice be accepted and that that in light of the actions already undertaken and taken by Cabinet Members, Officers and the wider education community to secure fairer funding for schools, outlined in Report CSO/17/24, the County Council be recommended to take no further action on the Notice of Motion; and that the Council continue to work with the f40 Group (which represents the lowest funded local authorities) to secure fairer funding for education.*

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

Councillor Greenslade then **MOVED** and Councillor Biederman **SECONDED** that

*'the Cabinet recommendation be deleted and amended by the substitution of the original notice of motion'.*

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the amendment in the name of Councillor Greenslade shall be by a roll call vote.

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

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

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Greenslade's amendment be recorded).

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

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for against Councillor Harts motion be recorded).

## **42 Police & Crime Commissioner (Minute 31 - 20 July 2017)**

Pursuant to County Council Minute 31 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

*'Devon County Council is extremely alarmed at the proposal by the Police and Crime Commissioner, Alison Hernandez, to drastically reduce the number of PCSOs, the eyes and ears of the force. At a recent consultation by South Devon and Dartmoor Community Safety Partnership, Neighbourhood Watch Co-ordinators, Parish, Town and Borough Councillors, District Councillors and County Councillors described the proposed changes as "dangerous". Members are hearing reports from constituents of massive increases in low-level crime in our towns, villages and rural areas.*

*Additionally there is a general concern that the Police and Crime Commissioner is unfit and unsuitable for her job after making tactless comments about being "really interested" in licensed firearm owners being allowed to act during terrorist incidents. We endorse Deputy Chief Constable Paul Netherton's view that "Under no circumstances would we want members of the public to arm themselves with firearms".*

*This Council believes that the Police and Crime Commissioner is wrong to propose reductions in Neighbourhood Policing, that proposals to utilise domestically owned firearms is a crass and inadequate response to mounting concerns about police cuts and that her proposal to appoint a Deputy Police and Crime Commissioner is an appointment that is just not needed in these cash-strapped times.*

*We therefore request the Chief Executive to contact the Home Secretary requesting she use whatever powers may be available to remove Ms Hernandez from office allowing Devon and Cornwall Police to continue the fight against crime at all levels and that Members of Devon County Council show their lack of support for the Police and Crime Commissioner by voting "No Confidence" in her office'.*

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55b of 13 September 2017:

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

*no further action be taken on the Notice of Motion, acknowledging the Chief Constable and the Police and Crime Commissioner are aware that the Neighbouring Policing Review outlined in Report CS/17/24 has created uncertainty within local communities the Chief Officer for Community, Public Health, Environment & Prosperity be asked to liaise with the Police and Crime Commissioner to ensure that - as the review is taken forward - there is an opportunity for communities to contribute effectively to the review and that County Councillors are kept Member informed of developments relating to their electoral divisions. Furthermore, the view of the Deputy Chief Constable be endorsed in that allowing licensed firearms owners to act during terrorist incidents would be wholly inappropriate.*

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

#### **43 Paris Accord on Climate Change (Minute 29 - 20 July 2017)**

Pursuant to County Council Minute 29 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hook that:

*"The people of Devon, along with vast numbers of people around the globe, were dismayed at the pronouncement from President Trump that he was pulling America out of the Paris Accord on Climate Change. This is a move that will impact negatively on all residents of this planet and is a step back in time. Climate Change is the single biggest threat to mankind, and the policies now to be followed by President Trump will cause it to accelerate. His policies will also undermine the health of the planet and the people who are sustained by the planet. Pollution of water and air are already killing hundreds of thousands prematurely.*

*This Council condemns President Trump for the action he has taken and will join with others from around the world in conveying to him this error of judgement on his part and request an early reconsideration and reversal of this decision."*

and having had regard to the advice of the Cabinet (the amendment) as set out in Minute 55c of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

*the Cabinet's advice be accepted and that the sentiment of the Notice of Motion be approved and the Council recognise that the decision of POTUS is regrettable and, potentially, de-stabilising and damaging to global efforts to tackle climate change through a reduction in greenhouse gas emissions. This Council therefore reaffirms its*

*commitment to the implementation of its Energy Policy, Strategy and Action Plan as the most effective response to this situation and, consequently takes no further action on the Notice of Motion.*

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

#### **44 Plastic Free Coastlines**

Councillor Biederman **MOVED** and Councillor Wright **SECONDED**;

*'This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.*

*The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.*

*A representative of this council will become a member of the Plastic Free Coastlines Steering group'.*

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

#### **45 Health and Adult Care Scrutiny - Community Role and Safeguarding Future Buildings and Place Based Health Services**

The Chair of the Council **MOVED** and the Vice-Chair **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting.

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

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

*The County Council regrets the failure of the Health and Adult Care Scrutiny Committee on 25 July 2017 to be seen to scrutinise the decision of NEW Devon Clinical Commissioning Group to close community hospital beds in Honiton, Okehampton, Seaton and Whipton, especially in the light of the subsequent urgent recommendation by the head of the NHS in England, Simon Stevens, which is supported by evidence from the Royal College of Emergency Medicine and the King's Fund, that more beds need be made available for the coming winter.*

*Noting also the Standards Committee's conclusion that events at the Scrutiny Committee meeting 'may not reflect well on individual members of the Council or upon the Council as a whole', its recommendations for the Committee's Chair and its general recommendations to both members and chairs of Scrutiny Committees, the County Council therefore;*

*1. requests the Health and Adult Care Scrutiny Committee to scrutinise those issues identified by the County Solicitor in her paper for 25 July which were not directly and fully addressed at the Scrutiny Committee in that meeting;*

*2. consistent with the Council's 'community champion' role, alerts the Secretary of State to the strength of feeling in the locality at the overall STP process throughout the County and the significant numbers of objections made by the public to the CCG's proposals and that in the interests of democracy and democratic accountability he might wish to satisfy himself that all relevant process were properly undertaken and assessed and that the CCGs subsequent decisions are supported by the evidence; and*

3. *welcomes the agreement of the Health and Adult Care Scrutiny Committee to examine, subject to the advice of the County Solicitor, means of safeguarding community hospital buildings throughout Devon as facilities for the provision of place-based health services.*

Councillor Hart then **MOVED** and Councillor Twiss **SECONDED** that the Motion be amended by the insertion of words and deletion of words as detailed below and the subsequent renumbering of paragraphs 1 – 3 (italics denoting additional text).

*That the County Council notes that the Health and Adult Care Scrutiny Committee held on the 25th of July 2017, within its clearly defined role as a 'critical friend', has extensively considered the issues and concerns from members of the public, elected members and others, including medical professionals, all matters relating to the closure of some community hospital beds in Honiton, Okehampton, Seaton and Whipton.*

*The Council recognises, and fully welcomes the cross-party and Independent persons standards committee report, which concluded unanimously that there was no breach in the members code of conduct.*

1. The County Council therefore, consistent with the councils 'community champion' role, *sends a letter to the Secretary of State for Health, (together with copies to all Devon M.P.s), seeking reassurance that appropriate funding is provided by government to deliver the necessary health and social care services in Devon, recognising that this must be within a clear and proven, evidence based and tested Sustainable Transformation Plan, and due regard is taken that many parts of Devon are 'truly rural', with an ageing population needing more services, more often and sometimes for longer.*
2. That the County Council also welcomes the *resolution of the health and adult care scrutiny committee, held on the 21st of September 2017, that advice be sought in terms of the legal position, in securing the interest of buildings, contributions or legacies left to community groups, and other benefactors.*

Councillor Twiss **MOVED** and Councillor Hart **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Hart shall be by a roll call vote.

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

The Amendment was then put to the vote and there being:

For the amendment - Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chubb, Chugg, Clatworthy, Colthorpe, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Randall-Johnson, Radford, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley (Total 40);

Against the amendment - Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hall, Hannaford, Hodgson, Shaw, Way, Whitton and Wright (Total: 16);

The Amendment in the name of Hart was declared **CARRIED**.

Councillor Wright then **MOVED** and Councillor Hodgson **SECONDED** that the Motion be amended by the insertion of words and deletion of words as follows;

Deletion of the words 'seeking reassurance' in paragraph 1 and then the addition of the words '*requesting a review by the independent reconfiguration panel of the evidence and process associated with the bed closures at Seaton, Whipton, Honiton and Okehampton hospitals. Also,* (and then the continuation of paragraph 1)

Councillor Biederman **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Wright shall be by a roll call vote.

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

The Amendment in the name of Councillor Wright was put to the vote and declared **LOST**.

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

#### **46**      **National Funding Formula for Schools**

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

*County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon Schoolchildren with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.*

*These concerns be communicated on an all party basis to the Government and all Devon MP's.*

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

#### **47**      **Ethical Care Council**

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED** that:

*This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.*

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

#### **48**      **20 MPH Speed Limits**

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED** that:

*With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads.*

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



[NOTES:

*Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Mr Coren.*

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

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

The Meeting started at 2.15 pm and finished at 5.45 pm