



**QUESTIONS TO THE
LEADER OF THE COUNCIL, CABINET MEMBERS
AND/OR
CHAIRMEN OF COMMITTEES**

Thursday 21 February 2019

**1. QUESTION FROM COUNCILLOR DEWHIRST
Re: South Devon Highway Part One Claims**

Three years ago after two years of construction nuisance the South Devon Highway opened. It was widely acclaimed as improving the lives of many residents in South Devon, however a small but significant minority of residents found their homes blighted by their proximity to the Highway and they consequently applied to Part One compensation to the County Council as is their right.

During the three years after the Part One claims were submitted the Leader answered several questions I put to this Council asking for the reasons for the delay. The Leader answered that the claims were very complicated, were taking a long time and finally that residents would hear from the County Council by the end of 2018 or early 2019.

Does the Leader therefore consider that a 150-word email asking for householder's agents to make an appointment to submit their negotiating position to be sufficient progress after three years?

REPLY BY COUNCILLOR HART

It has now been two years since the Residents have been able to submit their Part 1 Claims for depreciation in the value of their land due to physical factors such as noise caused by the use of the new South Devon Highway.

The Council have processed over eight hundred applications for compensation relating to Part One claims associated with the South Devon Highway. The scheme is large, affects a significant number of properties and the process has been complex and detailed for a scheme of this size. It is normal for this process to take two years and this period is in line with guidelines prepared by Highways England.

Commitments were made to have the completed assessment ready by the end of 2018. This was achieved. The assessment was then handed over to our Agent to complete the compensation for all the eligible claims meeting the criteria. Our Agent has sent details of this assessment to Agents representing individual Claimants and we understand that following this Agents are contacting Claimants to progress negotiations. This process has now started as evidenced by correspondence between Residents and their Agents supplied by Councillor Dewhirst. The Council would normally allow Individual Claimants to negotiate through their Agents their individual claim. The Council will be able to settle claims once this negotiation process has been completed.

Please be assured of our intentions to settle claims, for all claimants, accurately and as soon as we can.

**2. QUESTION FROM COUNCILLOR SHAW
Re: average daily spend on care residents**

New national research by Norman Dinsdale of Sheffield Hallam University in 2018 reveals that a sample of homes with mainly council-funded residents spent on average only £2.44 on food and drink for a whole day. There is no recent recommended fair food cost, but the Rowntree Foundation recommended £3.29 per day in 2008 (the equivalent of £4.31 in 2018). As a consequence of these findings, the study suggests that substandard food may be being served to elderly residents. Could Councillor Leadbetter (1) provide the figure for the average spend on residents' food in homes supported by the Council, and (2) inform me whether he is satisfied with the quality of food being served, giving reasons for his answer.

The press release for this study is at <https://www4.shu.ac.uk/mediacentre/dementia-diets-academics-bid-improve-care-home-food>. I have confirmed the dates of the figures with the author.

REPLY BY COUNCILLOR LEADBETTER

Devon County Council uses an established financial model to calculate the fees we pay our care home providers. This includes £4.08 per day for meals. (This figure will be increased in April for 2019/20 and we are currently out to consultation with the market for that).

For our in-house homes, food is based on an annual budget rather than a per resident per day, so the daily spend will differ depending on occupancy. The average budgeted cost at 80% occupancy is £4.11 per day.

Care homes are required to have systems in place to routinely monitor quality, including meeting nutrition and hydration needs. These standards are monitored by the Care Quality Commission, who work closely with health and social care professionals and refer care homes for support where necessary.

The needs of individual residents are reviewed regularly by a variety of health and social care professionals including social workers, nurses, pharmacists, speech and language therapists, GPs etc. Feedback from visiting professionals, relatives / friends and care home staff are captured and if patterns or trends indicate quality or safeguarding concerns, providers are given relevant support.

3. QUESTION FROM COUNCILLOR HANNAFORD

Re: Specialist Teaching Provision for Deaf Children

It is estimated that there are currently approximately 889 qualified specialist teachers to teach the nations 45,000 deaf children.

- a) What is the current situation in Devon?
- b) How many specialist teachers do we have?
- c) How many deaf children do we have?
- d) How many pupils are in specialist schools?
- e) How many pupils are in mainstream education?
- f) What proactive work is being done locally, regionally and nationally to improve matters?

REPLY BY COUNCILLOR McINNES

a) Devon's response to the educational needs of deaf children is appropriate

b) There are 9 Teachers of the Deaf within the Sensory Impairment Team (7.6 FTE). Their role is to build competence, confidence and capacity across the education system in Devon, advising, supporting and challenging educationalists to ensure full access to the curriculum for all deaf children. They do not teach deaf children

Specialist providers, for example Exeter Royal Academy for Deaf Education (ERADE) employ teachers of the deaf who teach deaf pupils. We do not hold data on these providers.

- c) *There are 913 Devon, Deaf and Hearing Impaired children and young people (CYP) known to the Sensory Impairment team*
- d) *69 in total: - 53 in maintained/LA Special Schools; 14 in non-maintained Special Schools; 2 in independent Special Schools.*
- e) *844 in total: - 659 in Mainstream Education (Active support); 178 in Mainstream Education (Enquiry stage) and 7 Electively Home Educated.*
- f) *We work closely with the strategic Children's Hearing South West Group (CHSWG) group in a multi-agency approach with health and social care to ensure that services within Devon are on a par to those within the south west and to look at ways to further strengthen and support the service.*

The majority of Teachers of the Deaf in Devon are over 50; we have succession planning in place. We will look to appoint good classroom practitioners and then enrol them on the 2 year mandatory qualification course.

In Devon we have already done this for advisory teachers for visual impairment and it has worked extremely well. This does have financial implications; the course fees are a minimum of £5,000 per year.

Devon also completes the annual CRIDE survey to input into national data. We completed the annual NATSIP benchmarking data collection which gave us data and key points to enable comparison with national data.

4. QUESTION FROM COUNCILLOR G HOOK **Re: Energy to Waste Plants**

- a) Are the Energy to Waste plants all working to optimum capacity?
- b) Have they been doing so throughout the last 12 months?
- c) Is any waste still going to landfill?
- d) What measures is the Cabinet Member taking to encourage increased recycling rates across the County?

REPLY BY COUNCILLOR DAVIS

a) Are the Energy to Waste plants all working to optimum capacity?

The Exeter Energy Recovery Facility (ERF) and Devonport Energy from Waste Combined Heat and Power Facility are both currently working above optimum capacity. Plant capacity is determined by the calorific value (CV) of the waste that they process (higher CV means less waste throughput). At the Exeter ERF waste inputs have been streamlined such that it is aiming to process 60,000 tonnes of waste per annum which will be above its design processing capacity for the actual calorific value of the waste being processed.

The Devonport EfW Combined Heat & Power plant has a design capacity of 245k tonnes per annum and a permitted capacity of 265k. Currently it is achieving 251k per annum with an expectation for this to increase further so the plant is exceeding optimum capacity.

b) Have they been doing so throughout the last 12 months?

Although both plants have been off line for planned maintenance over the previous 12 months they have both exceeded over 90% availability.

c) Is any waste still going to landfill?

Until 10th February 2019 residual (black bag/ dustbin) waste collected in North Devon and Torridge was being disposed into landfill. However from 11th February 2019 this waste is now

being bulked up at a new waste transfer station and being hauled to an Energy Recovery Facility operated by Suez. This means that all residual waste collected by District Councils in Devon is now being sent for energy recovery. However there are still some residual wastes that are not suitable for processing through ERFs including some bulky Household Waste Recycling Centre residual waste.

d) What measures is the Cabinet Member taking to encourage increased recycling rates across the County?

The County Council is working in partnership with the District Councils and Torbay Council through the Devon Authorities Strategic Waste Committee to promote waste prevention and increase re-use, recycling and composting. Devon has always been a high performing council with the recycling rate for 17/18 at 54%. However more needs to be done if rates are to be increased further. A waste audit of residual waste across Devon and Torbay undertaken in 2017 highlighted that over 40% of waste that was put out for disposal could actually have been recycled

The Don't let Devon go to waste campaign forms the backbone of waste management communications in Devon and Torbay – it includes social media, a website, road shows, advertising and editorials in local newspapers. All the work is monitored and campaigns targeted and researched to ensure maximum impact. The focus in 2018/19 was on food waste and included for example a “Guilty Food Waste Secrets Campaign”; further roll out of food waste bin stickers; and an excellent and well attended Food Waste Conference highlighting new initiatives to value and use or redistribute food that would otherwise have gone to waste. For 2019/20 the focus remains on food waste but also extends to include plastics, paper and textiles with further specific work to support each authority as follows:

Plastics - a county-wide targeted campaign developed and implemented to increase awareness and action for Refill Devon and the reduction of single use plastic items such as bottles, cups, straws and bags.

Paper – planned specific communications and marketing campaign to increase paper recycling and reduce the 5.2% of paper discarded in the residual waste stream.

Textiles - with 5.2% of recyclable textiles found in the residual waste in Devon, a county-wide campaign is planned to encourage textile recycling via local recycling collections and banks.

Food waste - Expansion of the successful "What's your Guilty Food Waste Secret" campaign with a county-wide campaign to provide helpful tips and advice on preventing food waste.

Liaise with districts to produce "No food waste please" bin sticker and information leaflets to encourage more people to use their food waste collections.

Pre/Post Christmas 2018 communications – provided further consistency across the county on what is acceptable for recycling during the Christmas period (in particular for wrapping paper and cards). The authorities worked together to achieve this and communicate clear messages to residents.

Recycle Week – encouraging householders to recycle bathroom items eg plastic bottles and cardboard packaging.

Pre/post Christmas comms advising residents about what can be recycled locally over Christmas and New Year.

Metal matters campaign – reducing the amount of aluminium in the residual waste stream by encouraging householders to recycle aluminium cans and foil.

Attending public engagement events – promoting food waste reduction and assisting members of the public with recycling queries.

Repair Cafes – providing support to local communities enabling them to repair textiles, electrical items, furniture, jewellery, bikes, garden tools and other household items.

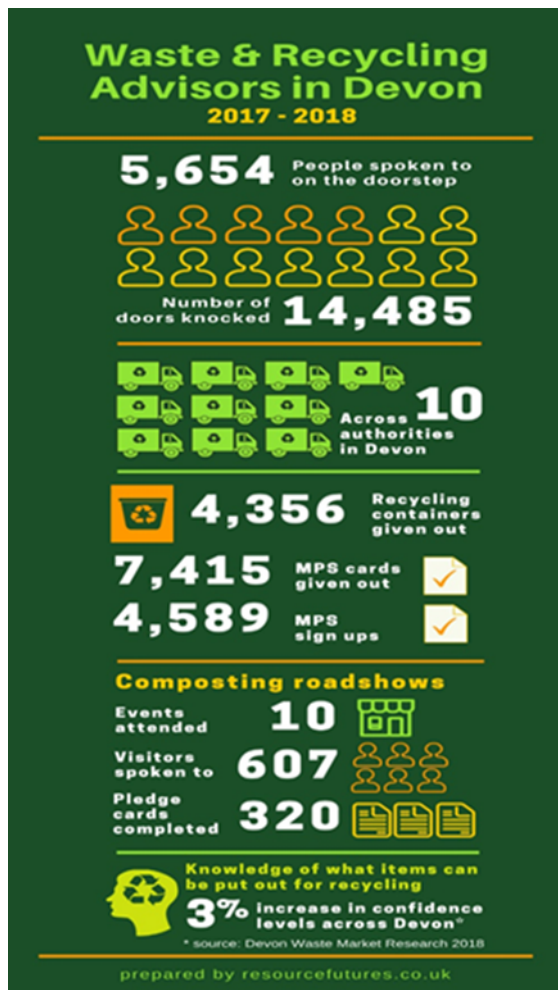
WEEE repair events – fixed over 120 electrical items in 6 different events across the county.

The Big Fix – 23rd February at Belmont Chapel in Exeter – attempting to have the largest Repair Café with more than 232 items fixed in one day!

Waste Recycling Advisors Contract

The Waste and Recycling Advisors (WRA) contract has now been running for nearly 2 years, funded by the Devon Authorities Strategic Waste Committee. It is designed primarily to increase recycling participation rates by focussing on doorstepping householders across Devon and Torbay. The contract was won by Resource Futures and is a two year contract and is planned to be extended for an additional year.

The contract is going well with positive reports from all authorities involved. The infographic below shows the results achieved in the 1st year (2017/18) of the project.



In terms of the 1st quarter of 2018/19 highlights include:

- A 46% doorstepping contact rate for North Devon.
- An increase in participation rate for Torridge (77% compared to 67% last year)
- An increase in participation rate for Exeter (80% compared to 75% last year)

Community Action Group (CAG) Devon Project

The CAG Devon Project provides support to community groups, schools and individuals to organise community events and projects in the Mid Devon and Teignbridge areas focussing loosely around the waste prevention/ re-use theme. They provide groups with support with fundraising, insurance, media and publicity, training & skill sharing, seed funding for new groups, monitoring tools, networking, case studies and inspiration and day to day support. The CAG work is continuing to grow well with 8 groups now signed up to the CAG agreement, which sets out the support CAG Devon can provide in return for data on the group's activities. They are also working with a further 7 groups, some of which are sub groups of the official 8 CAGs and some are groups that will become CAGs in time. The projects set up in the Mid Devon area are continuing to thrive and don't need a lot of ongoing support. More time is now being focused in the Teignbridge area mapping what is already going on with community groups and identifying potential ways forward. There are a number of groups interested and at varying stages. The first Ashburton repair café went really well and they have recently obtained a grant for £1,600 from the Teignbridge Communities Together fund to run a further 10 repair events during 2019.

A key aim of the CAG Devon project is to provide intensive support at the start with an aim to give groups the tools to be self-sufficient and to link up with other groups to support each other.

CAG Devon will be holding their second Skill Share event on Saturday 16th March. The day is being delivered in conjunction with Eden Project Communities.

Waste Education Programme

The aim of the Waste Education Programme in schools is "To promote and encourage learning and practical action to reduce waste and improve resource efficiency in Devon's schools and their surrounding communities." Schools continue to engage well with our programme with a noticeable increased interest in plastics and litter over the past 18 months. We have responded to this by updating and creating new litter and plastics resources for schools including a school litter pack and new workshops about plastic and litter in the environment. Waste education is delivered through a contract with Resource Futures.

We have 6 schools working with us on the WASP programme (Waste Action Support Programme) this academic year. Two schools that took part last academic year did particularly well:-

- Uffculme Academy Trust increased their recycling and composting rate from 11% to 84% and saved £644.60 a year by changing their bins.*
- Totnes St John's C of E Primary School increased their recycling and composting rate from 37% to 81%.*

We provide school visits to the Pinbrook Household Waste Recycling Centre & Exeter ERF as well as supporting school visits to the Devonport EfW CHP plant.

In total in 17/18 we interacted with over 9,900 pupils and 840 adults through workshops, assemblies, waste audits, community events, and visits to waste facilities.

Over the past 12 months we have also promoted waste and recycling to both the Scouts and Guide groups across Devon with our Waste Education Officer running activities for many of them and encouraging them to work towards relevant badges.

Adult tours of Exeter ERF

During 2018 we ran 10 tours (approx. 100 people in total) of the Exeter ERF for adult community groups which have proved very popular and we already have 7 bookings for the first half of 2019. The tours include a talk on how Devon manages its waste and how Devon residents can take action to reduce, reuse, recycle and compost more.

5. QUESTION FROM COUNCILLOR ATKINSON **Re: Councillor Activity Champions**

Does the Cabinet Member for public health support the idea of appointing 4 councillor activity champions from the parties represented on the Council and if so how could they work together to champion the engagement of residents in physical activities and sport across Devon?

REPLY BY COUNCILLOR CROAD

Physical activity is so important for an individual's health and wellbeing and the Council would welcome any support and leadership in promoting this agenda. In Devon we are very fortunate to have incredible natural assets and opportunities to be active at no cost to local residents as well as a whole host of community activities and sports clubs.

Devon also has an excellent County Sports Partnership called Active Devon for which Devon County Council is the accountable body and which the 'champions' could work with to provide peer support.

Exeter and Cranbrook were successful in a Sport England bid to become a local delivery pilot area which has brought significant funding to the area as has the Connecting Actively with Nature Programme for over 55's. The Council also has a shared campaign calendar with a number of

physical activity programmes such as the Big Devon March and Naturally Healthy month in May so there are plenty of opportunities to link with.

Public Health will happily meet with Active Devon and any interested champions to discuss how this may work and what support would be needed.

6. QUESTION FROM COUNCILLOR PROWSE
Re: Cycle Paths and maintenance

The City of Exeter has in recent years benefitted from an increase of cycle paths much of which has been achieved from Government funding. Can the Cabinet Member for Highways give assurances that as a result of these funding requests the maintenance budget of this authority were similarly considered? Further, given that some key routes go through Parks in the ownership of Exeter City Council how much does DCC contribute to their cleansing and salting (when required)?

REPLY BY COUNCILLOR HUGHES

I agree the City of Exeter has in recent years benefitted from an increase of cycle paths through successful government funding bids. Unfortunately, the government funding formula for highway maintenance currently only takes into consideration these changes where cycleways are constructed as part of the public highway. However, where the network has been developed on existing highways or public rights of way where we have formal agreement with Exeter City as landowner and also other routes with formal leases and licences with them, these are regularly inspected and maintained in accordance with our policies. Where these routes become obstructed, action is taken to ensure they remain available for use. This may include leaf clearance where necessary but does not extend to clearing litter from public places which is a responsibility of the City Council.

It is currently policy not to proactively treat cycleways and footways across the county. The CIRS Scrutiny Task Group has been reviewing winter service and considering the issues of winter treatment of cycleways, and Exeter in particular, and will be reporting their findings in a forthcoming scrutiny committee.

7. QUESTION FROM COUNCILLOR GREENSLADE
Re: Integrated Care Management

At the December County Council meeting I asked you to report on what changes had taken place as a result of Integrated Care Management. You promised to write to me with an answer.

To date I have received nothing.

Will you undertake to publish a reply to this question in answer to this question at the upcoming County Council meeting?

REPLY BY COUNCILLOR LEADBETTER

This information was sent to Councillor Greenslade via email on 18 February 2019.

8. QUESTION FROM COUNCILLOR GREENSLADE
Re: Infrastructure Investment

Would the Leader please note my support for what he has said recently in the Western Morning News about Infrastructure Investment.

Does he agree with me that DCC should take a lead in convening a roundtable to highlight the need for Government to provide more infrastructure investment for Devon?

REPLY BY COUNCILLOR HART

Your support is noted for the Western Morning News article and I am pleased to report that there have been a number of positive developments in the past week. On Friday, Devon County Council was involved in a round table discussion with the Secretary of State for Transport and other South West Councils, which also saw £80m funding committed to the first phase of the Dawlish seawall resilience works. During our time spent with the Transport Minister, we continued to press for investment in the A30/A303 and we were pleased to see several of our strategic road and rail asks included in the Investing in the South West report, which the Government has just published.

This event followed news on Thursday of Devon County Council's successful £55m Housing Infrastructure Fund bid which will see infrastructure delivered to support growth at South West Exeter. Along with last Summer's £83m commitment to the North Devon Link Road, there is a lot to celebrate in the County.

As demonstrated through the work of the Peninsula Rail Task Force, a lot can be achieved by speaking with one voice and the Government is supporting the development of Sub National Transport Bodies to identify strategic transportation priorities for local areas. The County Council has recently formed the Peninsula Transport STB along with Cornwall, Plymouth City, Torbay and Somerset County Councils and will be considering potential Major Road Network schemes at its next meeting in March.

When considering superfast broadband, Members are aware that Devon County Council is already delivering improved connectivity across the area, working with Connecting Devon and Somerset partners. This programme is supported by substantial investment from the Council, Government and HotSW LEP. To date the programme has connected more than 300,000 homes and businesses to superfast broadband and delivered improved speeds to an additional 38,000 premises. Furthermore, a digital strategy is being developed for the Heart of the South West which will consider the next investments in superfast broadband and mobile connectivity to support residents and businesses, support for digital skills and adoption and opportunities for innovation.

9. QUESTION FROM COUNCILLOR BRENNAN Re: Child Safety and a No Deal Brexit

Recent reports have indicated that a No Deal Brexit would make it harder for local authorities to keep children safe, as it could mean the UK withdrawing from cross-border police and judicial cooperation mechanisms. Consequences of this would include making it harder to keep children safe online, and DBS checks for staff would no longer have access to EU-centralised criminal records. Due to these threats to children's safety, can the Cabinet Member confirm that he is making representations to government about the importance of avoiding No Deal, and ensuring that work to protect children is prioritised in the UK's ongoing work with the EU?

REPLY BY COUNCILLOR McINNES

The recording of criminal convictions received overseas is a complicated matter. Historically, the sharing of information about convictions obtained overseas has been quite patchy, although it has improved significantly in recent years.

The DBS cannot access criminal records held overseas, however, in a small number of cases, certain overseas criminal records are held on the Police National Computer (PNC) and these would be revealed as part of a criminal record check. Typically these will be convictions for serious offences such as terrorism, drug smuggling and trafficking. As the DBS cannot access criminal records held overseas, a DBS criminal record check may not provide a complete picture of an individual's criminal record.

For convictions issued in courts within the EU, there is currently a system for sharing this information between EU Member States; the 'European Criminal Records Information System'

(ECRIS). ECRIS, which came into effect in 2012, is an electronic exchange mechanism created in response to EU Framework Decisions providing a legal basis for the exchange of criminal conviction information between EU Member States.

Whether a conviction received in the EU appears on the PNC will depend upon a number of different factors i.e. is the offence for which the person was convicted a crime under UK law and if so, whether or not the conviction is for an offence which is deemed to be a recordable offence in the UK.

If ECRIS were to no longer be available to the UK Law Enforcement Agencies, then potentially information regarding criminal convictions in the EU could no longer be available. This will depend on what agreements the Government achieve as part of the deal or no deal, when leaving the EU.

These risks can be alleviated by ensuring, as part of the recruitment process, that applicants are required to provide a satisfactory overseas Police check (i.e. the onus is on the individual applicant to obtain that Police check and provide it to the employer). (Where a DBS check is required and where the applicant has lived overseas for 6 months or more). This is the County Council's current practice, which will continue after Brexit.

There is therefore no indication or reason why, overseas Police checks will be affected by Brexit.

10. QUESTION FROM COUNCILLOR BRENNAN
Re: Climate Change Strike Action and School Attendance

An increasing number of young people in Devon are taking part in strike action against climate change because, quite rightly, they are concerned that governments and local authorities should be doing far more to look after the planet on which their future depends. Will the Cabinet Member assure our headteachers that such strike action does indeed count as an "exceptional circumstance", and it is therefore a valid reason for not attending school? Will he also praise these young people, and accept that this action is both an excellent educational opportunity for them and their democratic right?

REPLY BY COUNCILLOR McINNES

The recording of attendance and absence is routed in primary legislation (Education Act 1996) and supplemented by secondary legislation, namely The Education (Pupil Registration)(England) Regulations 2006, as amended. The Department for Education has then provided further written guidance. Finally, there are a number of judgements made by the Ombudsman which have further clarified specific issues.

The phrase "exceptional circumstance" is now found at Regulation 7 (1A) of The Education(Pupil Registrations)(England)Regulations 2006 as amended in 2016. This regulation allows a school to authorise a request if made in advance, by a parent with whom the child normally resides and where the school believe that there are exceptional circumstances. Therefore, if parents haven't made a prior request, a school cannot lawfully approve such an application.

In relation to the Council giving a "steer" to headteachers, there was a Local Authority Ombudsman decision which stated that a Local Authority must not provide advice which could be seen to "fetter the discretion" of headteachers as permitted in legislation or regulations.

