

## COUNCIL

6 October 2016

### Present:-

Chairman: A Moulding

Vice-Chairman: R Rowe

Councillors S Barker, F Biederman, P Bowden, A Boyd, J Brazil, J Brook, C Channon, C Chugg, C Clarence, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, P Diviani, A Dewhurst, G Dezart, A Eastman, R Edgell, O Foggin, R Gilbert, B Greenslade, G Gribble, R Hannaford, D Hannon, J Hart, J Hawkins, R Hill, G Hook, R Hosking, B Hughes, S Hughes, R Julian, J Knight, A Leadbetter, J McInnes, J Mathews, E Morse, J Owen, B Parsons, R Radford, S Randall-Johnson, P Sanders, D Sellis, M Squires, R Vint, N Way, R Westlake, E Wragg, C Wright and J Yabsley

### Apologies:-

Councillors K Ball, E Barisic, J Berry, T Dempster, M Edmunds, A Hannan, J Hone, P Prowse and R Younger-Ross

## 41 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 28 July 2016 be signed as a correct record.

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

## 42 Chairman's Announcements

The Chairman:

(a) welcomed Mr Sullivan (who was attending the meeting in his capacity as one of the Co-opted Members of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework) and Honorary Aldermen Drake, Halse and Lee to the meeting;

(b) on behalf of the Council, congratulated all those athletes from or associated with the County who had taken part in the recent Olympics and Paralympics;

(c) on behalf of the Council, congratulated all those involved in the Better Business for All (BBFA) Campaign which had received a special award in the FSB Devon Council Awards for 2016; this was a joint initiative of all Councils in Devon to stimulate and support small business growth and encourage small business success in the rural economy;

(d) reported on his attendance with the Vice-Chairman at an event hosted by the Lord Mayor of London marking the 350<sup>th</sup> Anniversary of the Great Fire of London at which the Lord Mayor recognised his attendance and the contribution of the people of Devon toward the cost of rebuilding of the City of London, the County having raised a far greater sum than any other County, City or Borough; the former Borough of Exeter having raised the second largest amount;

(e) reported the recent death of Professor Ian Mercer CBE who had not only been the first Dartmoor National Park Officer but had also been the first ever county conservation officer appointed in England and Wales; having also subsequently Chaired the County Council's influential and innovative public inquiries into Foot & Mouth in 2001 and the aftermath of the MSC Napoli grounding in 2008;

(f) advised the Council that this was to be the last Council meeting to be attended by Mrs Heather Barnes as Strategic Director, Place, after 16 years of service to the Council: the Chairman and Political Groups paid tribute to Mrs Barnes, thanking her for her services and wishing her well for the future. Mrs Barnes responded.

**43 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**44 Petitions from Members of the Council**

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

**45 Public Participation: Petitions, Questions & Representations**

In accordance with the Council's Public Participation Rules, the Leader would respond direct to a question on the NEW Devon Clinical Commissioning Group from a member of the public, who was not present at the meeting.

There was no representations made by any member of the public.

*[NB: See also responses to similar Questions referred to at Minute 47 below. A copy of the questions and answers are appended to the published minutes]*

**46 Devon Youth Parliament**

The Cabinet Member for Performance & Engagement introduced two representatives of the Devon UK Youth Parliament Team who gave a short presentation to the Council on the:

- role of the United Kingdom Youth Parliament and the work undertaken by the Devon Members, nationally and locally;
- organisation and work programmes of the Youth Parliament Team in representing the interests of Devon's Young People and ensuring their views were heard and acted upon;
- work with young people locally and other partners on current campaigns around Transport, Disability Awareness and Extra Curricular Activities, and
- future campaigns on topics identified through the Youth Parliament's national 'Make Your Mark' campaign such as Living Wage, Mental Health and Curriculum for Life.

The Cabinet Member and the Chairman, on behalf of the Council, both expressed their gratitude to the Devon UKYP Team for all their hard work and efforts in representing and 'sharing' the voice of young people in Devon, the ways they could influence national and local policy making and the ways in which Members of the Council could assist them.

**47 Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 22 questions submitted by Members of the Council relating to Grammar Schools; Highway Improvements in Exeter; the NHS Success Regime & Sustainability and Transformation Plan; Dementia Friendly Communities; the CAMHS Service; Milbury Farm, Exminster; HGVs use of Mamhead Road; Traffic Flows/Speeds at Powderham; Highway & Traffic Management in Starcross; room hire for meetings; the Exeter Bridge Road Improvement scheme; Alphington Park & Ride Site, Exeter; Oakwell House, Bickington; Hate Crime Statement; publication of member's details; Health Care Changes; HOTSW/Economic Development; HOTSW/Consultation Process; Superfast Broadband and the Highways Term Maintenance Contract.

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

The Leader would respond also direct to a question on unpaid penalty charge notices from a Member who was not present at the meeting.

*[NB: See also responses to similar Questions referred to at Minute 45 above. A copy of the questions and answers are appended to the published minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

## **48 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) Policy & Corporate**

Councillor Hart circulated a Report (appended to the published minutes) and commented, as requested by Councillor Brazil, on Syrian refugees resettlement and unaccompanied asylum seeking children, outlining the limited co-ordinating role of the County Council in implementing the Government funded project and responding to concerns about the pace of placements and the timeliness of assistance available to those who might wish to offer such: undertaking to pursue those issues further with Government.

### **(b) Environment and Community**

Councillor Croad commented, as requested by Councillor Dewhirst, on action being taken by the Council in relation to littering and fly tipping on and adjacent to highway, acknowledging it was a serious issue, cutting across Council boundaries. He referenced work currently being undertaken by the County Council in practical terms in fulfilling its community leadership role, including liaising with District Councils on their approach to waste collection, monitoring the operations of the Council's waste contractors, co-ordinating work such as grass cutting with District Council litter picking and regularly meeting with colleagues from other organisations, including Highways England, to ensure consistent messages to visitors and residents alike to prevent polluting the local environment.

### **(c) Adult Social Care and Health Services**

Councillor Barker circulated a Report (appended to the published minutes) and commented, as requested by Councillor Westlake, on the potential impact of the Devon Sustainability & Transformation Plan and the Success Regime project, on Adult Social Care budgets and future delivery of services. He reiterated his concerns expressed at Cabinet on fair funding for adult social care and reminded the Council that representations had been made to the Local Government & Communities House of Commons Select Committee on funding and welcomed the involvement of this and other Council's Scrutiny Committees in examining these matters. The Cabinet Member also commented, as requested by Councillor Greenslade, on the future of care services at Rosebank, Barnstaple.

*[NB: See also responses to Questions referred to at Minute 45 and 47 above and Cabinet Minute 72].*

### **(d) Highways Management and Flood Prevention**

Councillor Hughes circulated a Report (appended to the published minutes) and commented, as requested by Councillors Connett and Owen respectively, on the rollout of restricted night time street lighting and on the Council's cycling strategy including related planning safety issues. He also commented, as requested by Councillors Hannaford and Dewhirst, on traffic

congestion in Exeter arising from infrastructure works and public utility works and on Chapter 8 training for local community events.

The Cabinet Member also responded to questions on funding and proviso of drop-kerbs, future possible funding for the Tour of Britain, the Road Warden Scheme and pavement parking.

**(e) Children, Schools and Skills**

Councillor McInnes circulated a Report (appended to the published minutes) and commented, as requested by Councillor Hannaford, on the Reducing Exploitation & Absence from Home (REACH) Service and 'missing' children.

**(f) Resources & Asset Management**

Councillor Clatworthy circulated a Report (appended to the published minutes) and commented, as requested by Councillor Greenslade, on the use of the Barnstaple Civic Centre Car Park, confirming that while a number of spaces would be retained for use by County Council staff and visitors in the Taw Vale building the remainder of the parking area was to be included in the sale of the Tower Block rather than leasing or making spaces available on an individual basis to other users.

**(g) Performance & Engagement**

Councillor Parsons circulated a Report (appended to the published minutes) on the Youth Service, Member Development, Digital Transformation and Hate Crime Awareness week.

*[NB: See also responses to Questions referred to at Minute 47 above].*

**49 Minutes**

The Chairman of the Council **MOVED and it was duly SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved and that the recommended changes to the Constitution at Procedures Committee Minute 13 be also formally endorsed :

Appeals	-	6 September 2016
Audit	-	7 September 2016
Procedures	-	14 September 2016
Investment & Pension Fund	-	16 September 2016
Peoples Scrutiny	-	5 September 2016
Health & Wellbeing Scrutiny	-	19 September 2016
Place Scrutiny	-	20 September 2016
Corporate Services Scrutiny	-	22 September 2016
Appointments & Remuneration	-	29 July 2016

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

**50 Arising on Health & Wellbeing Scrutiny Committee Minute 17 (Wider Devon Sustainability & Transformation Plan & NEW Devon Success Regime)**

The Council noted the concerns and representations articulated to Members and the actions already taken and to be taken by or on behalf of the Council and by its Health & Wellbeing Scrutiny Committee in relation to future Models of Care and NHS funding. The Leader of the Council confirmed that the Notices of Motion in the names of Councillors Biederman and Connett to be considered at this meeting (Minutes 55 and 56 below refer) would, if sent to Cabinet in accordance with Standing Order 6, be raised at the Cabinet on 12 October 2016, as matters of urgency, in order that and to avoid any undue delay they might, in turn, be referred to the Health & Wellbeing Scrutiny Committee on 8 November 2016 for consideration

alongside its current planned examination of the issues identified therein [the aforementioned Notices of Motion].

*[NB: See also responses to Questions referred to at Minute 47 above and Cabinet Member Reports at Minute 48(c) above].*

## 51 **State Pension Arrangements for Women (Minute 38, 28 July 2016)**

*[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision]*

Pursuant to County Council Minute 38 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Connett and seconded by Councillor Dewhirst that:

*'The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.*

*Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.*

*Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.*

*The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements'.*

and having had regard to the advice of the Cabinet set out in Minute 74(a) of 14 September 2016 and noting that 4 Devon Members of Parliament had also indicated their support for the campaign, Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion be approved and representations be made to the Secretary of State for Work & Pensions and Devon Members of Parliament being advised accordingly.

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

**52 Term Time Leave and Fines for Parents (Minute 39, 28 July 2016)**

Pursuant to County Council Minute 39 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Greenslade and seconded by Councillor Connett that :

*“that the County Council expresses concern at the incidences of fines being levied on parents who take their children out of school during term time; accordingly the County Council requests the People’s Scrutiny Committee to consider current guidelines used to decide whether a fine is appropriate. In the meanwhile no new fines should be levied until this review is completed!”*

and having had regard to the advice of the Cabinet set out in Minute 74(b) of 14 September 2016 Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted, namely that while it is not necessary for to specifically endorse any Members’ suggestion or request for a Scrutiny Committee to undertake any particular piece of work or activity, the Cabinet (i) is content for the People’s Scrutiny Committee to look at this matter, (ii) endorses the current practice (outlined in Part (b) of Report CS/16/27) until such time as the law is clarified and (iii) acknowledge that by dint of so doing the Notice of Motion has been effected and the views of the Scrutiny Committee will necessarily be considered by the Cabinet in due course.

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

**53 Planning Advice from Council Officers (Minute 40, 28 July 2016)**

*(Councillor Greenslade declared a personal interest in this matter by virtue of being a Member of North Devon Council, the Devon and Somerset Fire Authority and relatives working and living in the area. Councillor Biederman also declared a personal interest in this matter by virtue of being a Member of North Devon Council and its Planning Committee).*

Pursuant to County Council Minute 40 of 28 July 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Greenslade and seconded by Councillor Connett that, :

*“County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to “facilitate development”.*

and having had regard to the advice of the Cabinet set out in Minute 74(c) of 14 September 2016, Members then formally moved and seconded the amendment(s) shown below which were subsequently debated and determined:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted and that no further action be taken on the Notice of Motion recognising that within the context of the County Council’s planning-related functions and national planning policy, it was appropriate for the Council to provide planning application consultation responses which aim to facilitate development identified in the Local Plan (i.e. deemed by an independent Inspector as appropriate) and potentially other sustainable development sites recognising the need also to continue to give full weight to the individual and cumulative impact of proposed development.

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

Councillor Greenslade then **MOVED** and Councillor Biederman **SECONDED** that the Cabinet's advice set out at Minute 74(c) be not accepted and the wording of the Notice of Motion be adopted as follows:

*"County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to "facilitate development".*

Councillor Connett then **MOVED** and Councillor Dewhirst **SECONDED** that in accordance with Standing Order 32(2) the vote [on Councillor Greenslade's amendment] shall be by roll call.

That 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**.

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

*[In accordance with Standing Order 32(2) Councillors Biederman, Brazil, Connett, Dewhirst, Foggin, Greenslade, Hannaford, Hannon, Hill, Hook, Morse, Owen, Vint, Way, Westlake, Wragg and Wright asked that their vote for Councillor Greenslade's amendment be recorded].*

54

#### **Educational Re-organisation and Fair Funding**

Councillor Connett **MOVED** and Councillor Greenslade **SECONDED**

*'Devon County Council is proud of the achievements of all schools in the county and recognises that with fair funding from Government, yet more could be done to raise educational attainment for all pupils, help them achieve their potential and aspire to achieve their ambitions.*

*The Council believes it would be a retrograde step to divert scarce national and local resources from the classrooms into yet another reorganisation of education and does not wish to see the introduction of new or additional Grammar schools in Devon.*

*Devon County Council yet again calls on the Government to ensure the education of children in Devon is properly, fairly and fully funded noting that Government is short-changing Devon schools by £23m a year.*

*"Devon has never been funded at the level it deserves and remains well below the national average for funding per pupil. Despite this historic underfunding, Devon schools have shown that they can deliver impressive educational outcomes and that no child is marginalised because responsibility is shared for the most vulnerable and who may not be in our own schools." Sue Clarke OBE MSc, former Head of Education and Learning, Devon County Council (foreword to the consultation on 2016-17 Revenue funding arrangements for schools)*

*The Council therefore calls on all Members of Parliament for Devon to challenge the Government to play fair by Devon by properly funding children's education in the county'.*

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

**55**      **Proposed Cuts to Devon Health Services and Impacts on Patients**

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

*'This Council is deeply concerned about the impact the proposed cuts to Devon health services will have on patients – especially the loss of whole departments including maternity services at North Devon District Hospital - and massive reduction in acute and community hospital beds across Devon, as set out in the sustainable transformation plan.*

*This Council also recognises that Governments have deliberately not provided the NHS with the adequate level of funding and now calls on local MPs to lobby government ministers to urgently and significantly increase the level of funding to the NHS, in order to protect our precious health services for current and future generations'.*

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

*[NB: See also Minute 49 above]*

**56**      **NHS Success Regime**

Councillor Greenslade having, in accordance with Standing Order 6(3) and with the consent of the Council, amended the Notice of Motion originally submitted by him to read as hereinafter shown then **MOVED** and Councillor Biederman **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion be considered at this meeting.

Councillor Connett **MOVED** and Councillor Biederman **SECONDED** that in accordance with Standing Order 32) the vote shall be by roll call.

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

Councillor Greenslade having **MOVED** and Councillor Biederman having **SECONDED**:

*'County Council believes that the NHS Success Regime project for Devon is now seriously flawed and accordingly calls on the Secretary of State for Health and NHS England to cancel it forthwith. County Council further calls on Government and NHS England to firstly address the issue of fair funding for our area and to ensure the general election promise of an extra £8 billion of funding for the NHS is taken into account when assessing the claimed deficit for Devon NHS services.*

*Until funding issues are addressed it is not possible to decide whether or not there is a local NHS budget deficit to be addressed. Unnecessary cuts to local NHS budgets must be avoided!*

*Devon MP's be asked to support this approach to protecting Devon NHS services'*

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

*[NB: See also Minute 49 above]*

**57**      **Protecting Devon's Pharmacies**

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED**

*Devon County Council recognises and values local pharmacies as a vital primary care health service and as an integral part of the fabric of local communities throughout our county.*

*Devon County Council notes that;*

- *176 pharmacies across the County offer a range of services such as dispensing prescriptions, disposal of unwanted medicines and supporting self-care;*
- *pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination, sexual health and more advice and support services are also available to care homes; and*
- *several pharmacies have achieved Healthy Living Pharmacies (HLP) status recognising and evidencing their role in improving the health of their local population.*

*Devon County Council is greatly concerned about Government imposed threats to pharmacies as a result of cuts in the budget of £170m nationally taking effect from October 2016.*

*This is a 6% cut in cash terms but could effectively mean a cut of 12% during the financial year which could potentially close up to a quarter of pharmacies with an increased focus on warehousing dispensary and online services. Service cuts in pharmacies put more residents at risk as well as putting pressure on GPs and on hospital services and therefore increasing NHS costs. A fully funded community pharmacy service is cost effective and is in the interest of patients and carers.*

*Devon County Council agrees to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups serving Devon detailing our concerns and demanding an immediate reversal of these proposals.*

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

**58**      **Environmental Policy Document Review**

Councillor Wright **MOVED** and Councillor Vint **SECONDED**

*This Council commends the DCC Environmental Policy document that was produced in 2014/15 - and the reported progress against it, as set out in the Environment Performance Statement.*

*However, the national trend is a significant and potentially catastrophic decline in insects and other wildlife, with some species heading towards extinction, as set out in the latest State of Nature report, published last month (September).*

*The sharp decline in our species suggests that our collective efforts are still not enough to prevent a worsening position.*

*This council agrees that the 'Countryside and Heritage' section of the Environmental Policy document should be reviewed before the end of 2016, to see whether there are further opportunities for Devon County Council to do more to benefit nature, including:*

1. *management of the county farms estate, where current uncertainties linked to Brexit mean that we need to find other ways of achieving environmental gains through the actions of our tenants;*
  - *through the management of our buildings and grounds (e.g. County Hall - a Grade 2 listed building set within a conservation area);*
  - *management of our multi-use trails (i.e. cycleways), which have potential for enhancement as wildlife corridors; and*
2. *through our community leadership role (e.g. in re-defining our environmental agenda in the light of Brexit, or in responding to current environmental problems such as ash dieback)'*

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

## **59      Affordable Housing and the HOTSW Devolution Prospectus**

Councillor Vint **MOVED** and Councillor Wright **SECONDED**

*'That this Council calls for references for the need for affordable housing to be added to the housing sections of the HOTSW Devolution Prospectus'*

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 Reverend White, formerly of the Holyford Mission Community.*

*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 were reproduced therewith for convenient reference) 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 5.26 pm