

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

Thursday 16 February 2017

**1. QUESTION FROM COUNCILLOR HOOK
Re: Parking Enforcement Outside Schools**

Can the Cabinet Member confirm that parking enforcement cannot take place if a car is parked on the zig zag lines outside a school, if appropriate signage is not in place? In other words, the yellow lines are advisory rather than mandatory, and without signage enforcement for illegal parking cannot occur. As parking close to school gates is dangerous for various reasons including the obstruction of sight lines, will he now ensure as a matter of urgency that the appropriate signage is now placed outside every school which currently has the yellow zig zag road markings, but does not have appropriate signage, so that children's safety can be increased and prosecutions of thoughtless drivers can follow?"

REPLY BY COUNCILLOR HUGHES

It is correct that signing in accordance with the Regulations and a Traffic Order is a necessity to permit enforcement of school zig zag markings using the Council's Civil Parking Enforcement powers. The Police have powers to enforce obstruction offences. However, there are a large number of schools zig zags in place around the County, which are effective simply as an advisory marking.

This administration believes in a range of approaches to addressing issue parking issues, including issues around schools, as it is not always necessary to prosecute people to improve parking management. So, where they are aware of problems, officers work with Schools where possible to raise awareness and change behaviours in relation to inconsiderate and unsafe parking.

If this does not address the problem, advisory markings may need to be upgraded to allow formal enforcement action and we have already put in place a process for local priority parking management schemes. Local Members can decide their priorities, including for changing parking restrictions outside schools, and these can be funded from an annual "HATOC Waiting Restrictions" programme. Subject to Cabinet approval it is intended that this programme will be run for a second round in 17/18, allowing Local Members to enable communities to benefit from changes to formal parking restrictions and the associated enforcement activity.

**2. QUESTION FROM COUNCILLOR HOOK
Re: Government Payments to Devon's Farmers**

Earlier this year I raised, via a question at Full Council, the question of central Government payments to Devon's farmers. I was given reassurances by the Cabinet Member, which included an undertaking to contact the Minister responsible. I reminded...verbally...the Cabinet Member of his undertaking some months back.

Has

- a) the Cabinet Member made contact with the Minister responsible;
- b) what was the response? (can it be made published?); and
- c) what is the Counties reaction to what appears to be a continued failure on the part of government to pay many local farmers satisfactorily?

News coverage suggests many are owed considerable sums of money, and IMO DCC should be applying what pressure it can in support of our farmers. Will the Cabinet Member undertake as a matter of real urgency to again make contact with central Government and press our local farmers case?

REPLY BY COUNCILLOR LEADBETTER

This Council has highlighted the impact that late payment of Basic Payments Scheme (BPS) claims is having on farmers, adding our voice to that of the EFRA Select Committee chaired by Neil Parish, the MP for Tiverton and Honiton, other Devon MPs and the NFU. In response, the Chief Executive of the Rural Payments Agency has pledged that 90% of BPS claims will be paid by the end of December. On behalf of Devon farmers, the County Council will be holding the RPA to account on its pledge and seeking assurances about the remaining 10%. It is unacceptable for farmers to be left in the lurch.

The Council has asked that the RPA improves its performance and will continue to lobby in Whitehall and Westminster to ensure our farmers get their payments on time.

By way of a background, late BPS by the Rural Payments Agency (RPA) is not a new phenomenon UK wide. The target has been to pay 90% of payments on time by December of each year since 2005, which has been largely met. A new ICT system in 2015 seemed to magnify the issue, with only 38% of farmers paid under the Basic Payment Scheme on 1 December 2015 (Common Agricultural Policy Delivery Programme (Pg. 5). The latest information (January 2017) states that the RPA pays 91% of Basic Payment Scheme claims in December.

I have further asked Officers to undertake some investigation into the issue of Late Payments and verified this with the National Farmers Union to ascertain if there is a Devon, or South West breakdown of figures regarding payments at a more local level. We are awaiting a response and I will ask the Head of Economy and Enterprise to respond when this information is received.

3. QUESTION FROM COUNCILLOR HOOK

Re: Council owned Care Homes

How many Council owned Care Homes have been closed in the last 3 years? How many of these remain in Council ownership? Of those sold what revenue was generated as a consequence of the sale? If not sold, what costs have resulted since their closures?

How many private Care Homes in Devon a) have b) are and c) may receive Council financial help?

REPLY BY COUNCILLOR BARKER

Savings circa £10m per year were targeted when 20 former care homes were closed.

3 homes were retained and transferred to education to use as special education units.

16 homes have been sold which will produce £10.95m when all sales complete, 3 of the 16 are going to other councils for housing projects. There is 1 home remaining which was to be sold but is currently being re-tendered due to a failed completion. The costs associated with the unsold home since its closure have been £24,500.

Sales of contents raised just under £300k to offset against associated costs.

In this financial year there have been two care homes that have received short term financial assistance which is to be repaid by the homes. There are no homes currently seeking additional financial support and there are no plans to fund any.

4. QUESTION FROM COUNCILLOR HOOK
Re: Parking Restrictions / Issue of Parking Fines

A vehicle in Newton Abbot received nineteen (19) parking tickets between November 2016 and early January 2017. It may well be a lot more by now. Not one of those tickets has been paid. DCC has done nothing, other than apparently continue to issue more tickets.

What sanctions could DCC employ to penalise such ongoing neglect of parking restrictions?

It seems that this vehicle is not taxed, which almost certainly means it isn't insured. It would appear that no contact with the police have been made. Should we not act in a co-operative way with the police to resolve this and equivalent issues where a resident chooses to ignore parking tickets?

Are enforcement officers paid a bonus for the number of tickets issued?

Will the Council say how many tickets have been issued and remain unpaid for the current and last 4 years.

Will DCC as a matter of urgency undertake to work with local police to take action to ensure prosecutions or direct action (e.g the confiscation of a vehicle) where such abuse is noted.

REPLY BY COUNCILLOR HUGHES

It is not correct to say that DCC has done nothing to try and resolve this issue. The Authority is aware of the vehicle in question and it has been reported to both the Police, and the DVLA. I understand the Councillor Hook has also done so.

To take action DCC needs ownership information provided by the DVLA's. For each PCN the parking team makes up to three requests for ownership details on the date of the offence. This is to allow for a situation where ownership details are in the process of being changed when the PCN is issued. Each request involves a DVLA charge to the Council and in the case in question, no ownership details were disclosed by the DVLA.

The DVLA ownership disclosure process is automated and provides the information written on the V5 form. In some cases, for a number of reasons, the wrong details are recorded on the DVLA database and as a result the ownership of the vehicle cannot be identified. Whilst DCC's officers continue to seek accurate information and challenge the process of extracting information for disclosure, this has not improved the way the information is provided and it continues to be the case that there is no manual intervention by DVLA to improve the data it holds.

Whilst issuing Penalty Charge Notices which may never be paid is a frustration, to not issue Notices because there is knowledge of a vehicle being improperly registered, does not seem to provide the correct message. Our message is that parking issues are attended to, we respond to known issues, and continue to investigate options to change these problematic behaviours, including the possibility in the future of seizing vehicles.

Between the 1st April 2014 (when the service was bought back into Devon County Council) and 31st January 2017, 2063 Penalty Charge Notices (relating to 1065 vehicles) remain unpaid due to not being able to recover keeper details from the DVLA. In this period about, 187000 PCNs have been issued, so the unpaid proportion is about 1% of the total volume.

We have consistently explained since taking on the enforcement function from the Police in 2008 that we cannot and do not operate a target / bonus scheme to reward the issuing of PCNs. We have redesigned enforcement activity to prioritise enforcement action in the interest of supporting the effective operation of the highway, and we have developed Enforcement Officer working

practices to enable consistent practice based on issuing PCN's when contraventions of restrictions are identified.

5. QUESTION FROM COUNCILLOR WRIGHT
Re: Tax Avoidance and Revised Government Guidance

Has this council now received the government guidance expected last year, on tightening up the rules on tax dodgers?

You might recall I lodged a motion on this last year. See link....

http://www.claire-wright.org/index.php/post/devon_county_council_to_consider_motion_to_clamp_down_on_supplier_tax_avoid

REPLY BY COUNCILLOR HART

Yes, in September 2016 the Cabinet Office published (Procurement Policy Note 08/16) a new set of supplier qualification criteria which includes, amongst other things, a set of mandatory Exclusion Grounds in relation to organisations which are in breach of their tax obligations. Devon County Council implemented the requirements of Procurement Policy Note 08/16 in September 2016.

6. QUESTION FROM COUNCILLOR FOGGIN
Re: Bed Blocking and Care Placements

Councillor Barker, Over the past months I have brought two people to this councils attention, who have been stuck in Hospital Beds over 100 days awaiting placement and receiving no treatment.

How many of Devon's people are stuck in hospital (bed blocking) over one month vegetating - awaiting a placement for a care home or nursing home by this Council – This is at a cost to our already struggling Health Service at a cost of over £400 per day.

REPLY BY COUNCILLOR BARKER

I am sure that by now members are aware that patient and client confidentiality is paramount and nothing should be said that can identify people. Members will also be aware that a significant number of people in hospitals and clinically fit to leave, are the responsibility of the NHS and not social care. Those assessed with nursing need that requires continuing healthcare are wholly the responsibility of the NHS, not social care.

The data concerning delayed transfers is received from the NHS. It is anonymised and aggregates both NHS and Social care so it doesn't enable us to say whether any social care responsibilities had been waiting a month or more although bed managers in hospitals and team leaders in hospital discharge teams would be actively managing these cases.

On the last Thursday in December, across all the acute and community hospitals serving Devon there were 8 Devon residents waiting for Devon County Council to arrange a nursing home placement and 5 were waiting for a residential placement. Currently there are 24 acute and community hospitals serving Devon, at the end of December in all hospitals a total of 13 patients were waiting for social care - only 1 was in the RD&E.

A delay of a month or more is unusual and would usually indicate complex needs that require specialist care. In Devon, a smaller proportion of delays are attributable to social care than is typical elsewhere while a greater proportion of those delayed in Devon are waiting for an NHS assessment or NHS community-based service. Many of the cases referenced in the media are those of people with complex health conditions who are delayed because the NHS is struggling to arrange appropriate health care for them in the community.