COUNCIL

27 April 2017

Present:-
Chairman: A Moulding
Vice-Chairman: R Rowe


Apologies:-
Councillors E Barisic, A Boyd and J Hone

92 Minutes

The Chairman of the Council MOVED and it was duly SECONDED that the minutes of the meeting held on 16 February 2017 be signed as a correct record.

The Motion was put to the vote and declared CARRIED.

93 Chairman’s Announcements

The Chairman reported the recent death of Alderman Margaret Rogers, a former Chairman of the Council in 1998/99, who had represented the Seaton Rural Division between 1985 and 1989 and between 1993 until 2009: the Chairman had written to the family extending condolences on behalf of the Council.

The Chairman also, and on behalf of the Council, congratulated:

Sara Smith, a Senior Solicitor in the Council’s Legal Services team, upon being awarded the ‘In-House, Public Sector Lawyer of the Year’ at the Devon & Somerset Law Society Awards, for her work in the child protection field;

Hannah Clark, a Transportation Planning Officer in the Council’s Planning and Environment Team upon winning the Peter Swain Emerging Professional of the Year Award in the 2017 SW Region Chartered Institution of Highways & Transportation Awards, for her technical proficiency in the Exeter Bridge and the A30/A303 Honiton to Devonshire Inn schemes; and

the Council’s Transportation Planning Team for its work with Stagecoach on the Exeter Park & Ride/Depot Dual Use scheme which had also won the Innovation Award at the SW Region Chartered Institution of Highways & Transportation Awards.

The Chairman also advised the Council, formally, that Councillor Hannaford had recently been elected as the Leader of the Labour Group on the Council.

94 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.
Public Participation: Petitions, Questions and Representations

There was no question, petition or representation from a Member of the public.

Petitions from Members of the Council

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

Questions from Members of the Council

In accordance with the Council’s Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 13 questions submitted by Members of the Council relating to the Barnstaple to London Rail Line and Franchise Review, Tourism Signs, Parking Meter Payments and Income, Pavement Parking, Speed Limits between Exminster and Kenton, Traffic Management in Powderham, School Crossing Patrols, Cycle Routes, Homelife Care Services, the Teign Estuary Trail/Teignmouth-Dawlish Cycle route and Council funding. Similarly, the Chairman of the Development Management Committee provided a written response to a question on Highway Authority responses to planning applications.

The Leader, relevant Cabinet Member and/or Chairman also responded orally, as appropriate, to any supplementary questions arising therefrom.

[NB: 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].

FRAMEWORK DECISION

Devon, Somerset and Torbay Trading Standards Service: Extension of the current joint Trading Standards Service

The Leader of the Council MOVED and Councillor Croad SECONDED that:

‘the Council adopt formally the recommendation of the Cabinet of 8 March 2017 at Minute 165 and resolve that the Council:

(a) approve the discharge of Torbay’s Trading Standards functions in accordance with s101 of the Local Government Act 1972, such functions to be discharged in line with the arrangements approved by the Cabinet on 8 March 2017 (Minute 164 refers);

(b) approve the additional Membership of the Trading Standards Joint Service Panel, to include Torbay Council; and

(c) recognise and accept responsibility for the specific delegations made by Devon County Council to support the transfer of the Relevant Functions’.

The Motion was put to the vote and carried CARRIED.
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) Children, Schools and Skills

Councillor McInnes circulated a Report (appended to the published Minutes) and commented, as requested by Councillors Hannaford and Owen respectively, on the impact of the Apprenticeship Levy upon schools (including representations made to the Government) and upon the rearrangement of the Exeter’s Children’s Centre contracts (acknowledging concerns expressed at the possible of diversity of provision); emphasising nonetheless the Council’s commitment to the provision of children’s centres.

He also responded to questions on the future development of children’s centres in years to come and welcomed the acknowledgment by Members of the overall improvement in children’s services during the course of his tenure.

(b) Adult Social Care and Health Services

Councillor Barker circulated a Report (appended to the published Minutes) and commented, as requested by Councillors Hook and Westlake respectively, on the impact of closure of nursing homes in Newton Abbot and action taken by the County Council to ameliorate resulting problems for residents and upon the likely allocation of the additional £15m Social Care funding from Government.

In the case of the latter, the Cabinet Member advised that detailed guidance on how the additional grant was to be used was still awaited: the grant itself had also not yet been received by the Council.

(c) Economy Growth and Cabinet Liaison for Exeter

Councillor Leadbetter commented, as requested by Councillor Westlake, on the outcome of representations made to Ministers by the Peninsula Rail Task Force at which positive assurances were received and indications given that an announcement would be made in the Autumn. The Cabinet Member also circulated a Report on the South West Trains franchise announcement and details of any specific investments and benefits arising therefrom, details of which were still awaited.

The Cabinet Member also responded to questions on investment in the highway infrastructure, schemes to enhance the resilience of the rail network, the Devon Metro and re-opening of rural rail lines.

Minutes

The Chairman of the Council moved and it was duly seconded that the Minutes of the under-mentioned meetings of Committees be approved, namely:

- Appeals Committee 6 February, 13 March, 18 and 27 April 2017
- Investment & Pension Fund Committee 24 February 2017
- Appointments & Remuneration 1 March 2017
- Development Management Committee 1 March and 5 April 2017
- Public Rights of Way Committee 2 March 2017
- Standards Committee 27 March 2017
Audit Committee 28 March 2017
Procedures Committee 6 April 2017
Health & Wellbeing Scrutiny Committee 7 March 2017
Place Scrutiny Committee 14 March 2017
Peoples Scrutiny Committee 20 March 2017
Corporate Services Scrutiny Committee 23 March 2017

The Motion was put to the vote and declared CARRIED.

101 Scrutiny Annual Report 2016/2017

The Council received and endorsed the 2016/17 Annual Report summarising the activities and investigations undertaken by each of the Council’s four Scrutiny Committees during the course of the year and the outcomes arising therefrom and the continuing challenges and development of the Scrutiny role over that period.

The Chairmen of the Council’s Scrutiny Committees paid tribute to the efforts of all Members involved in the work of those Committees and Task Groups and, on behalf of their membership, to the support provided by Officers, particularly Scrutiny Officers, to facilitate the work of scrutiny in Devon. The Chairmen advocated the continuing value of a strong, independent, scrutiny function to advise the Council and commented on the activities of their individual Committees.

Members acknowledged the need for the new County Council to reflect upon the performance of all its Scrutiny Committees over the preceding 4 years and to have regard to the issues raised in the Annual Report and the Health and Wellbeing Scrutiny Committee’s 360 Review Report when determining the future democratic structure and means of exercising it’s scrutiny function; both to improve the way in which Scrutiny Committees work and achieve meaningful outcomes for the people of Devon.

In associating himself with the above remarks the Leader of the Council also expressed his gratitude to all the Scrutiny Committees for the advice they had given to the Cabinet and Council - both in relation to general overview activity and specific scrutiny work – not only in the past year but throughout the period of this administration.


NOTICES OF MOTION

102 European Union Habitats Regulations (Minute 89 of 16 February 2017)

Pursuant to County Council Minute 89 of 16 February 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

‘Devon is home to many scarce and threatened habitats such as our ancient woodlands, rivers and wetlands, upland blanket bogs, lowland heaths, Culm grasslands and our stunning coast and marine environments. These support a myriad of species with internationally important populations of marsh fritillary butterflies, greater horseshoe bats, otters, overwintering waders and marine creatures including whales, dolphins and basking shark.

European Union Habitats Regulations protection of land and seascapes such as the pebblebed heaths in East Devon, large swathes of Dartmoor and Exmoor, the Exe and Tamar Estuaries and Lundy Island have meant that wildlife has flourished over
the years and has ensured that these places remain crucial international strongholds.

The latest State of Nature report published last October found that the UK has experienced huge losses of habitat and wildlife, and 15 per cent of those studied are threatened with extinction.

Leaving the European Union puts at risk all of these protections - and the Government has not yet promised to retain the same level of protections that currently exist under EU legislation.

This Council recognises the huge importance of these rich landscapes for people and wildlife in Devon – and calls upon the Secretary of State for the Environment to support the Environmental Audit Committee, as well as the coalition of wildlife and nature organisations, asking for retention of at least the same level of protection for our wildlife and environment, as takes place currently under EU law.

and having had regard to the advice of the Cabinet set out in Minute 170(a) of 8 March 2017:

Councillor Hart MOVED and Councillor Clatworthy SECONDED that the Cabinet’s advice be accepted and that the Notice of Motion be endorsed.

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.

103 South West Local Enterprise Partnership – Chief Executive Pay (Minute 90 - 16 February 2017)

[Councillors Diviani and Leadbetter each declared a personal interest in this matter by virtue of being nominated local authority Directors on the Heart of the South West LEP Board representing East Devon District Council and the County Council respectively].

Pursuant to County Council Minute 90 of 16 February 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Connett that:

‘At a time of huge reductions in Government funding for local councils forcing cuts in health, education, care for older people and children, Devon County Council is offended by the reported 26% pay rise for the chief executive of the Heart of the South West Local Enterprise Partnership. We [Members] call upon the Council to take urgent steps to stop the annual pay rise of £24,271 and if it cannot do that, to withdraw from membership of the Partnership until common sense prevails with regard to top management pay increases’.

and having had regard to the advice of the Cabinet set out in Minute 170(b) of 8 March 2017 and acknowledging the County Council had no power directly to prevent such an increase - notwithstanding its publicly stated opposition thereto (consistent with the majority of local authorities in the Board’s area) - and the subsequent action of the Council in withholding a proportion of funds from the LEP.

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.

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.
104 **Triple Lock Pension (Minute 75 - 8 December 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 75 of 8 December 2016 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that,

‘That the County Council considers the implications for Devon Pensioners and the county economy arising from the refusal by the Chancellor to commit to the “triple lock” for state pensions beyond 2020 in his Autumn Statement; accordingly the Corporate Services Scrutiny Committee be asked to consider this situation and recommend any lobbying action that should be taken.’

and having had regard to the advice of the Cabinet set out in Minute 183 of 12 April 2017 offered in light of the earlier consideration by the Corporate Services Scrutiny Committee on 23 March 2017 (Minute 46):

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice be accepted and the Notice of Motion be endorsed and representations made to Government, through Devon MP’s, to minimise the impact of changes outlined therein.

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

105 **Royal Marines and Royal Navy Service Cuts**

Councillor Younger-Ross **MOVED** and Councillor Connett **SECONDED** that

‘This Council notes the announcement of the First Sea Lord, Admiral Sir Philip Jones to cut the Royal Marines by 200 personnel.

This Council further notes that these cuts are to be made to transfer funds to other parts of the Navy.

This Council recognises the important roll the Royal Marines play in defence of the UK. That they are a world class fighting force, providing a fast, flexible and mobile force and that members of the Royal Marines make up nearly 50% of our elite fighting forces such as the SAS and SBS.

This Council is proud of the association Devon has with both the Royal Navy and the Royal Marines.

This Council is concerned that these cuts will have a detrimental effect on the defensive capabilities of the UK and calls upon the Council Leader to make representations to the Government to reconsider these proposed cuts to the Marines and to look at the priorities for the Royal Navy and how it is to be funded’.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.
NHS in Devon - Public Enquiry

Councillor Greenslade MOVED and Councillor Connett SECONDED that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Greenslade be considered at this meeting.

The Motion was put to the vote and declared LOST.

Councillor Greenslade then MOVED and Councillor Connett SECONDED

‘While applauding the care provided by all our NHS medical staff the County Council is concerned at the current state of the NHS in Devon, the impact the NHS “Success Regime” is having and studies suggesting many GP’s will be retiring, being examples of areas for concern.

Accordingly the County Council agrees to establish a local public inquiry to consider the state of the NHS in Devon’.

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

Chairman's Closing Remarks

The Chairman and Party and Political Group representatives thanked those Members of the Council not standing for re-election on 4 May 2017 for their many years of service to the Council and to the public of Devon and paid especial tribute to the contribution of a number of long serving members and in particular the two former Chairmen of the Council, Councillors Richard Westlake and Bernard Hughes.

Councillors Diviani, Foggin, Hannon, Owen, B Hughes and Westlake responded.

NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by The Reverend Simon Holloway, Priest in Charge of the Five Alive Community Mission in East Devon

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 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 4.58 pm