

## COUNCIL

15 February 2018

### Present:-

Chair: R Radford

Vice-Chair: R Edgell

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

### Apologies:-

Councillors J Hodgson, P Prowse and R Scott

## 67 **Minutes**

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 7 December 2017 be signed as a correct record.

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

## 68 **Announcements**

The Chair reported on the recent sad passing of former County Councillor and Leader of the Council David Morrish, who had served as a Councillor for 31 years representing the Heavitree and Wonford areas. He had also been a City Councillor for 28 years.

A minute silence was held as a mark of respect and to pay tribute to Mr Morrish.

The Chair further announced the forthcoming retirement of John Smith, the Council's Head of Organisational Development. The Council thanked Mr Smith for all he had done to contribute to the success and strength of the Council and wished him well.

## 69 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

## 70 **Public Participation: Petitions, Questions and Representations**

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

In accordance with the Council's Public Participation Rules, the Council received and acknowledged verbal representations made by Ms A Simmons in support of Councillor Shaw's Notice of Motion on Brexit, the single market and customs union, later on the agenda for the meeting. The Chair responded, thanking Ms Simmons for her contribution.

## 71 **Petitions from Members of the Council**

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

**72      Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members and Committee Chairs provided written responses to 18 questions submitted by Members of the Council relating to whether there was any impact on the pension scheme as a result of the recent collapse of Carillion, numbers of machines for painting lines/markings on the highway, the performance management of the new highways contract, figures on the outstanding numbers of potholes and any reinstatement failures, the numbers of claims made for damage to vehicles arising from potholes and road defects, the Lengthsmen service and employment figures, the Council's highways maintenance contractor and Pothole Action Fund schemes, adoption of new roads in Teignbridge, S38 agreements, the period of time for road adoption, any actions that could speed up the process for roads adoption including the involvement of other parties, any required legislative changes, and the Council's response to the Department for Transport Advice Note on Highways Adoptions (April 2017). Other questions related to the Joint Local Plan (2014 – 2034) and provision for roadside residents and lastly the position of the Chair of the Council.

The Leader, relevant Cabinet Members and Chairs of Committee also responded verbally, as appropriate, to any supplementary questions arising therefrom.

*[A copy of the questions and answers are appended to the minutes and any supplementary questions and answers may be observed through the webcast of this meeting]*

**73      Treasury Management Strategy 2018/2019**

The Council considered the recommendations of the Cabinet and Corporate Infrastructure and Regulatory Services Scrutiny Committee held on 9 February and 31 January 2018 respectively relating to the adoption by the County Council of the proposed Treasury Management Strategy for 2018/19, prior to determination of the budget for that year.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendation of the Cabinet and of the Corporate Infrastructure and Regulatory Services Scrutiny Committee be approved and the Treasury Management and Investment Strategy for 2018/19 commended at Minutes 125 and \*49 of the above respectively, be endorsed.

The motion was put to the vote and, nem con, declared **CARRIED**.

**74      Revenue Budget, Medium Term Financial Strategy & Capital Programme**

*[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension.].*

(Councillor Atkinson declared a personal interest in this item by virtue of being a Devon County Council representative on Citizens Advice Exeter)

The Council considered the recommendations of the Cabinet held on 9 February 2018 relating to the Revenue Budget for 2018/19, the Medium Term Financial Strategy to 2021/22 and the Capital Programme 2018/19-2022/23 as set out at Minute 125 of that meeting, together with the Report of the County Treasurer (CT/18/11) which included an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment of the risks associated with the budget strategy and how those would be managed, comprising in detail:

Introduction	
Appendix A	- Specimen Statement on Robustness of Budget Estimates & adequacy of the County Council Reserves
Appendix B	- Revenue Budget 2018/19
Appendix C	- Summary Revenue Budget 2018/19
Appendix D	- Medium Term Financial Strategy 2018/19 -2021/22
Appendix E	- Risk Analysis of Volatile Budgets
Appendix F	- County Fund Balance and Earmarked Reserves for 2018/19
Appendix G	- Capital Programme 2018/19 - 2022/23
Appendix H	- Treasury Management Strategy & Prudential Indicators 2018/19 – 2022/23
Appendix I	- Fees and Charges

The County Treasurer's Report (CT/18/11) and accompanying detailed service budgets and spending plans incorporated additional spending in the sum of £6.5millions for Highways, as suggested by the Council's Scrutiny Committees and also £2.2millions for adult care support services, as proposed at the Cabinet on 9 February 2018.

The Council also had before it the overview of impact assessments relating to the 2018/19 budget; which had been circulated and drawn to the attention of all Members of the Council for the purposes of the consideration of the budget by Scrutiny Committees, by the Cabinet and by this County Council. This was in order that Members might have access to all necessary equality impact assessments, including specific impact assessments undertaken as part of the budget's preparation so that they might, in turn, have full regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty in considering the proposals and their impact, before making a decision on the budget. The Impact Assessment had been circulated to Members prior to this meeting, together with all assessments published in relation to the budget, and was available at <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 23rd, 25th and 31st January 2018 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Chair of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

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

The Chair then indicated that he would exercise his discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that Cabinet Minute 125 (a) – (u) setting out the proposed revenue and capital budgets as detailed in Report (CT/18/11) be approved.

In commending the proposed budget to the Council, the Leader commented this was the ninth year of reduced spending for Devon and the grant from Government in its current form would be phased out by 2020. He added that the business rates pilot funding was unknown beyond the forthcoming financial year and spend should be used for growth. He commended the budget to the Council as one that supported the old, young and the vulnerable.

The Cabinet Member for Resources & Asset Management highlighted that the Local Government financial settlement was £122.492 millions, in line with expectations. He also reported that the Authority, in partnership with the eight Devon District Councils and two Unitary Councils, had been selected to become a Business Rates Pilot in 2018/19. He

reiterated that Devon's settlement still reflected historic low levels of funding with inadequate funding levels in a number of areas; between urban and rural areas, in public health and also education funding.

He further outlined the total revenue budget of £511.841 millions and service budgets totalling £477.391 millions and the overall capital programme for 2018/2019 as £105.640 million.

Service budgets included Children's Services at £125.487 millions (an increase of 5.5% from 2017/18), Adult Care and Health at £227.851 millions (an increase of 6.1%), Communities, Public Health, Environment and Prosperity Services was £34.727 millions (a reduction of 2.3%), Corporate Services base budget of £34.618 millions (an increase of 1.7%) and Highways, Infrastructure Development and Waste Services at £54.708 millions (a reduction of 2.7%).

The Cabinet Member further confirmed £10,000 for each Member in respect of locality budgets, a further £10,000 for capital schemes and also the continuation of the Town and Parish (TAP) fund, to be renamed the 'Communities Together Fund'.

The budget included a 2% increase in the Social Care precept for 2018/19. Authorities were allowed to increase the Social Care precept by no more than 3% per annum (but no more than 6% over the period 2017/18 to 2019/20). The Council had increased the Adult Social Care Precept by 3% in 2017/18. If the Adult Social Care Precept increased by 2% in 2018/19 then there could only be a 1% increase in 2019/20. The settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2018/19; an increase of 1%, therefore the proposal was for a 2.99% rise as well as the Social Care Precept of 2%.

A Band D Council Tax would, if the budget was approved, increase by 4.99% to £1,331.19p. The Council Tax requirement for the Council was £382,118,036.26 and re-iterated that the s151 Officer had also confirmed that it represented a sound and achievable finance plan for 2018/19.

The Leader of the Council paid tribute to and expressed his gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2018/19 in light of the delay in the final announcement by Government of the financial settlement and grants.

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Connett **MOVED** and Councillor Brazil **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*"Devon Liberal Democrats have campaigned for much needed extra investment in our highways and welcome the additional £6.5 million to repair Devon's roads and highways drainage.*

*We hope Devon County Council and its contractors will rise to the challenge of fully utilising the new funding in light of last week's announcement that 1 in 3 of the Pothole Action Fund schemes would be delayed, along with £800,000 expenditure, until the next financial year.*

*While welcoming the limited additional funding secured from Government for schools and care services in Devon, the continuing struggle to maintain the provision of good quality services becomes harder.*

*Devon's Members of Parliament can do more to stop the County being 'short changed' by this Government. While saying they are willing to vote against investment in the new HS2 rail infrastructure, Conservative MPs appear unwilling to use their power to secure fair funding for Devon, especially our schools and care services.*

*Against this backdrop, it is understandable, though avoidable, that Council Tax for Devon County Council is proposed to increase by **£18.1million or 4.99%** from April. Combined with increases for City, District and Borough councils, the Police and the Fire Service, the joint impact on households is, once more, punishing.*

*Short-changing Devon simply passes the burden to the County's residents. In effect, the Government is balancing the books on the backs of hard-pressed families and the poorest. Overall, the Council Tax burden in Devon for an average Band D property could see an extra £80 paid each year – around £7 a month.*

*We propose:*

- 1. Restoring £223,000 to protect Young People's Mental Health services by scrapping the cut planned by Devon's Conservatives from the Public Mental Health budget.**
- 2. Adding £500,000 for the education of children with special educational needs.**
- 3. Supporting our schools, teachers and children by returning the £2.2million cut from the Devon schools budget this year by Conservatives at County Hall.**
- 4. Creating a hardship fund of £50,000 to support young people in Post-16 education with home to college travel.**

**We will fund this investment of £2,973,000 million by:**

- 1. Cutting waste currently being allowed by County Hall and efficiency savings:**
  - Save **£750,000** by cutting the budget for expensive consultants and stand-in managers
  - Cut spending on media, public relations and advertising **by £850,000**
  - Reduce spending on room hire and save **£ 260,000**
  - **Save £64,000** from car allowances when it is clear 143 staff use their cars very little for work purposes. Most drive less than 10 miles a week, with 23 driving fewer than 2 miles a week on council business!
- 2. Transferring £899,000 a year from the Economic Development budget into the higher priorities.**

*A strong and vibrant economy is vital for Devon, which needs to be not only open for business but fit for business with good roads, good education and a reputation as a county that cares.*

*We believe a new approach is needed to drive economic development, seeing the city, district and borough councils and the Local Enterprise Partnership as the driving force, with support from Devon County Council.*

*Costs for the transformation of the Economic Development service will be charged to the council's **Service Transformation Reserve, currently at £11.9 million.***

- 3. Saving a further £150,000 from the Development Management service and seeking stronger planning partnerships with Devon's Local Planning Authorities and**

*neighbouring county and unitary councils to create cut costs through shared service arrangements.*

**Council Tax on Second Homes**

*There is concern that second homes, left empty, have a negative impact on communities and that some owners may avoid Council Tax by 'flipping' to Business Rates and then seek exemption from payment.*

*We call on Devon County Council to take the lead working with all local authorities in the South West, calling on Government to urgently review Second Home Council Tax to ensure the system is robust and that much needed revenue is not lost, placing an even bigger burden on local residents.*

Councillor Hannaford **MOVED** and Councillor Atkinson **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*The Labour Group wish to focus on two key themes of Prevention and Resilience, hence the submission of two separate budget amendment focusing on each of those key themes.*

*In order to strengthen the Prevention agenda the Council should;*

- 1. allocate £500,000 from the Business Rates Retention Pilot to Early Intervention Work.*
- 2. allocate £100,000 from the Business Rates Retention Pilot to Social Workers Professional Development.*
- 3. allocate £250,000 from the Business Rates Retention Pilot to Social Worker Caseload Reduction.*
- 4. allocate £200,000 from the Business Rates Retention Pilot to Suicide Prevention Work.*
- 5. allocate £200,000 from the Business Rates Retention Pilot to Teenage Risk Pathway work.*
- 6. allocate £230,000 from the Business Rates Retention Pilot to Young Peoples Mental Health.*
- 7. allocate £400,000 from the Business Rates Retention Pilot to Domestic Abuse and Sexual Violence prevention work, with a specific focus on work with perpetrators and supporting children and young people.*
- 8. allocate £500,000 from the Business Rates Retention Pilot to Public Health.*

Councillor Hannaford then **MOVED** and Councillor Ackland **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*In order to strengthen the Resilience agenda the Council should;*

- 1. allocate £400,000 from the Business Rates Retention Pilot to Citizens Advice Devon.*
- 2. allocate £200,000 from the Business Rates Retention Pilot to the Healthy New Towns initiative.*
- 3. allocate £500,000 from the Business Rates Retention Pilot to develop Children's Centres Community Service Delivery.*
- 4. allocate £30,000 from the Business Rates Retention Pilot for an InSourcing Council Services Feasibility Study.*
- 5. allocate £400,000 from the Business Rates Retention Pilot to support Special Educational Needs Employment and Skills.*
- 6. allocate £300,000 from the Business Rates Retention Pilot to increase members individual locality budgets from £10,000 to £15,000.*
- 7. allocate £ 40,000 from the Business Rates Retention Pilot for an Alternative Social Care Delivery Models Feasibility Study.*

Councillor Biederman **MOVED** and Councillor Wright **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended as detailed below and all necessary changes be made to the detailed budgets at 125(a) – (u):

*A - That this Council does not put a further £5millions into reserves, at the same time as asking hard pressed, low paid Devon residents to pay more council tax for fewer services than ever before.*

*B – that part of the five millions issued to maintain the level of pay for all Devon's Foster Parents, so no one sees a drop in their income.*

*C – That part of the five millions is used to maintain numbers of Health Visitors so that no posts are made redundant.*

*D – that part of the five millions is used to maintain the schools counselling services, currently likely to be lost via the public health budget*

*E - that this council writes an open letter to Devon MPs expressing deep disappointment with those who voted in favour of cuts to Devon's council core funding*

*F - that any remaining monies as part of the £5millions or any other money extra coming from the business retention scheme is transferred to repairing pavements in our city, town & Village Centres to encourage their economy and prevent Slips, trips and falls.*

Thereafter, the matter having been debated and the proposals, options and/or alternatives set out in the amendments referred to above having been explored, argued and considered alongside all other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Prevention) was then put to the vote and declared **LOST**.

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Resilience) was then put to the vote and declared **LOST**.

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*



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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the amendment, Councillors Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Abstain from voting Councillor Atkinson (Total: 1)*

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

*(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):*

*For the Motion, Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Against the Motion, Councillors Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Way, Whitton and Wright: (Total: 15)*

## **75      Pay Policy Statement 2018/2019**

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2018 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2018/19.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2018/19 (and consequential changes to the Council's Constitution) as set out at Minute 36 of that Committee be endorsed and the Constitution amended accordingly.

The motion was put to the vote and, nem con, declared **CARRIED**.

## **76      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 commented, as requested by Councillor Shaw on the request and refusal of permission for the Devon for Europe campaign to use the grounds of County Hall for a rally on 24th March 2018 and also responded to questions on peaceful protests and the use of the campus generally.

**(b) Adult Social Care and Health Services**

Councillor Leadbetter circulated a report, as requested by Councillor Hannaford on Continuing Health Care Funding and also on progress being made to develop Wellbeing Hubs across Devon, as asked for by Councillor Aves. He further reported on Accountable Care Organisations, as requested by Councillor Greenslade.

With regard to Continuing Health Care Funding, it was noted that the CCGs and Adult Social Care had agreed joint practice guidance, process and training, meaning that people in Devon should receive an appropriate package of support whilst any issues relating to CHC funding were resolved.

The Cabinet Member added that, in respect of Wellbeing Hubs, the Council worked in partnership with the NHS in its approach to community wellbeing and that the Hubs were part of a wider programme of development of community services. Examples given included CoLab in Exeter, Torrington Hub, the Budleigh Salterton Health and Wellbeing Hub and progress on new centres in Chudleigh, Bovey Tracey, Teignmouth, Ashburton and Dartmouth.

On accountable care systems the Cabinet Member referred to a recently circulated briefing note for all Members of the Council, which gave an explanation of Integrated Care Systems and collaborative working between a range of health and social care organisations, in terms of sharing working practices such as budgets, staff and resources where appropriate. The Cabinet Member clarified the work in terms of an Integrated Care System rather than an Integrated Care Organisation.

**(c) Highways Management**

Councillor Hughes commented, as requested by Councillor Connett on the planned improvements to the environment and enhancing safety for all road users Powderham, progress on improving the A379 through Starcross to better manage traffic flows, the assessment of Mamhead Road for increased use by light traffic, and the potential to impose a weight restriction or ban 'non access' HGVs from the route and the increase in traffic using Doctors Walk and Balls Farm Road and action of the Council to ensure it was a safe route for children and cyclists.

He also responded to questions on a recent survey in respect of vehicles using Doctors Walk and Balls Farm Road.

**(d) Infrastructure Development and Waste**

Councillor Davis circulated a report, on subjects requested by Councillor Connett on the Bridge Road completion of works and those still to be undertaken, the delayed provision of the planned Marsh Barton Rail Station and the impact on the economic growth of Exeter and Teignbridge, the impact on traffic through Alphington/Marsh Barton and on Bridge Road, and the delivery of the South West Exeter development and delivery of a new rail station at Exminster.

The Cabinet Member's Report outlined that the Works Completion Certificate for Bridge Road was issued on 27th October 2017. Furthermore, the Council was continuing to work on reducing costs and securing additional sources of funding from the DfT and Network Rail in

relation to Marsh Barton station. Also, that in the planning of Marsh Barton and timetabling works meant that the Council did not consider a rail halt at Exminster to be feasible.

She also responded to questions on communication with Teignbridge District Council on Local Plans and vehicles on Bridge Road crossing three lanes of traffic from side entrances.

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

Councillor McInnes circulated a report, as requested by Councillor Hannaford on work being done with education and training providers, the public and private sectors, and voluntary and charity groups, to promote education, employment and independence for local people with special needs and any links to the Joint Committee's Productivity Plan.

He further reported on the number of private Children's Homes in Devon; which authorities had oversight of the homes and which were responsible for ensuring residents attended school and the provision of 'parental oversight', particularly in leisure time, as requested by Councillor Connett.

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

Councillor Croad commented, as requested by Councillor Asvachin on the use of bus passes before 9.30am for people with disabilities who need to get to work or places of education. The Cabinet Member outlined that the Council provided free bus travel under the terms of the National Bus Pass scheme for eligible residents which allowed free travel after 0930 Monday to Friday and anytime at the weekend. The current budget for the scheme in 2017/2018 was £9,265,000. The Council recognised the need for people with disabilities to travel independently and outlined the 'companion pass' and also the Independent Travel Training programme for young people.

He responded to questions on equality impact assessments and the duties of Local Authorities and undertook to look at the reported issues for renewing companion passes.

**(g) Resources and Asset Management**

Councillor Clatworthy circulated a report, as requested by Councillor Atkinson on the lessons that may be learned from Northamptonshire County Council who recently issued a section 114 notice. The Cabinet Member explained that a section 114 notice was served when it appeared to the section 151 Officer that the expenditure of the authority incurred or proposed to be incurred in a financial year was likely to exceed the resources available to meet that expenditure.

**77 Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved, including changes to the Constitution under minutes 19 and 20 of the Procedures Committee Minutes.

Appeals Committee	-	11 December 2017, 8 January 2018 and 5 February 2018
Appointments & Remuneration Committee	-	15 December 2017 and 15 January 2018
Development Management Committee	-	24 January 2018
Procedures Committee	-	6 February 2018

Children's Scrutiny (ordinary meeting)	-	23 January 2018
Health & Adult Care Scrutiny (ordinary meeting)	-	25 January 2018
Corporate Infrastructure & Regulatory	-	31 January 2018
Services Scrutiny (ordinary meeting)		

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

**78      EU Law - Animal Sentience (Minute 63 - 7 December 2017)**

Pursuant to County Council Minute 63 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

*This Council is disappointed that the Government voted to omit an important clause in EU law relating to animal sentience, as part of the Withdrawal Bill.*

*This Council is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law.*

*However, this Council backs calls from the British Veterinary Association to commit to an appropriate timeframe to reinstate the vital obligation in EU law in Article 13, on the STATE being responsible for animal welfare, in addition to UK law, which states that only the KEEPER of the animal is responsible'.*

and having had regard to the advice of the Cabinet set out in Minute 110 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that spirit of the Notice of Motion be approved and;

(a) the Council write to the Secretary of State (Michael Gove) stating that it is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law;

(b) that the subsequent publication of the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill be noted; and

(b) that, as a predominantly rural area where farming and agriculture are of critical importance to the local economy, the Council strongly backs the calls from the British Veterinary Association and others to commit to an appropriate timeframe giving certainty to the reinstatement of the protocol in Article 13; not only recognising animal sentience but also enshrining a duty of responsibility on the state for animal welfare.

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.

**79      Council Budgets - Vulnerable Young and Elderly Residents (Minute 66 - 7 December 2017)**

Pursuant to County Council Minute 66 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

*Devon County Council was very disappointed to see there was no help, to this council in the autumn statement with regard to Children's Services & Social Care. Children's Services budgets are overspent here and in 75% councils across the country, with a £2 billion shortfall in council budgets. If we are to deliver safe and effective services*

*for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.*

*We write a cross party letter, to Devon MP's and the Minister signed by all group leaders expressing our concerns and urging Devon MP's and the Government to address this growing problem for our most vulnerable young and elderly residents.*

and having had regard to the advice of the Cabinet set out in Minute 112 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted as well as the spirit of the original motion and in recognising the considerable financial pressure placed on Local Government and also various lobbying activities undertaken by the Council in recent years, and the events planned for the new year, it is important to maintain the impetus, therefore, in support of the Notice of Motion, Council will write a cross party letter, signed by Group Leaders, to go to Devon MPs and the Minister to highlight this growing problem for vulnerable young and elderly residents.

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.

**80      Post Brexit Arrangements (Membership of the European Single market and Customs Union) (Minute 65 - 7 December 2017)**

Pursuant to County Council Minute 65 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

*This County Council respects the majority vote in the Country to support leaving the European Union, but believes that the UK must secure post-Brexit arrangements which best support the economic and social wellbeing of Devon and the country as a whole. The Council therefore urges the Government to negotiate continued membership of the European Single Market and Customs Union, both of which bring considerable benefits to Devon.*

and having had regard to the amendment of the Cabinet set out in Minute 113 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that Notice of Motion be not approved at this time, namely;

(a) that the opportunities and impacts from BREXIT on the Devon economy be noted; and

(b) that the Council are assured that Cabinet will continue to assess the impacts and other implications for the Devon economy as details become more understood on the future arrangements agreed between Government and the EU Commission for trade and the labour market.

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

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of;

(c) that the Council lobbies Government to secure the trade, customs and migration arrangements with the European Union which will do least damage to the economy of Devon.

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the vote be taken as a recorded vote.

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

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

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

## 81 **Accountable Care Systems**

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

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

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

*'This Council is concerned by the decision of the Devon Clinical Commissioning Groups to introduce an Accountable Care System for Devon's NHS and adult social care services from 1st April 2018, without the full agreement of this Council.*

*In view of the widespread public concern over Accountable Care Systems and Accountable Care Organisations, and the decision of NHS England to hold a 12-week consultation on ACOs, this Council calls on the Devon CCGs to put the introduction of the ACS on hold until local people have been fully consulted on the plans'.*

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

## 82 **Sunset for the Royal Marines and Future Resilience**

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

*'The County Council expresses concern at the conclusions of the Defence Select Committee report "Sunset for the Royal Marines" regarding the future strength of the Royal Marines and the implications for the economy of the county and the viability of Royal Marine bases in Devon such as those in Plymouth and at RMB Chivenor.*

*Devon County Council resolves to play an active part in lobbying to retain Royal Marine bases in our County'.*

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 K Browse (Chair of Association of Parish Councils).

*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 6.18 pm