

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 6 September 2016
Please ask for : Rob Hooper, 01392 382300

Email: rob.hooper@devon.gov.uk
:

CABINET

Wednesday, 14th September, 2016

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite, County Hall, Exeter to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 13 July 2016 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

4 Chairman's Announcements

5 Petitions

6 Question(s) from Members of the Council

Call-in of Cabinet Decision: Post 16 Education Policy Transport 2017/18

In accordance with the Scrutiny Procedure Rules, the requisite number of Scrutiny Committee Members invoked the call-in procedure in relation to the decision of the Cabinet (Minute 51, 13 July 2016) approving the Post 16 Education Travel Policy for 2017/18 on the grounds that *'The Cabinet has failed to consider the potential impact of this decision on discouraging young people from rural areas and/or families on low incomes from continuing in education'* and that *'the decision failed to consider the ability of colleges to make funding available for Post 16 student transport to 'plug the gap' created by the council decision, the proposed is vague and unclear what the benchmark is for students or their families to evidence there is no suitable transport for college and as the policy states it will not provide transport even where, for example, where inconvenience is caused to the family, it fails to consider the potential economic and social impacts of each applicants own circumstances and is, therefore, unreasonable'*.

The People's Scrutiny Committee considered the 'call-in' at its meeting on 5 September 2016 (Minute *12) and endorsed the Cabinet's decision; urging Cabinet to continue lobbying Government for funding to reflect the sparsity of areas like Devon (in addition to the representations already proposed under Minute 51(b) to be made on *'the financial impact upon Councils, parents and students of the Government not having increased funding for post 16 education travel consistent with the increase in the school leaving age..'* The Scrutiny Committee therefore being satisfied with the Cabinet's original decision it was consequently implemented with immediate effect.

[The Report previously considered by the Cabinet is available on the Council's website at: <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>]

Electoral Divisions(s): All Divisions

Call in of Cabinet Member Decision: Closure of Compass House Crèche (Pages 1 - 22)

In accordance with the Scrutiny Procedure Rules, the requisite number of Members of the Council (Cllrs Hannan, Westlake, Hannaford, Hill and Owen) invoked the call-in procedure in relation to the decision of the Cabinet Member for Adult Social Care and Health Services (Decision Notice and accompanying documentation attached) on the proposed closure of Compass House Crèche on the grounds that the decision *'fails to take sufficient account of the fact that women suffering from post-natal depression are routinely in need of on-site care for their children, as is available at Chestnut Children's Centre where Depression and Anxiety Service sessions are run alongside childcare provision. The existence of this arrangement other than at Compass House is actually denied in the Impact Assessment'*.

The People's Scrutiny Committee considered the 'call-in' at its meeting on 5 September 2016 (Minute *13) and resolved that *'the Cabinet be recommended to retain the Crèche for the present and that the Devon Partnership Trust be asked (i) to look at the possibility of it providing those therapy and counselling services (currently provided at Compass House) in premises elsewhere in the City of Exeter which had an Ofsted Registered Crèche and (ii) report back [to Cabinet] within a period of 3 months'*.

The Cabinet is required to reconsider the matter in the light of the Scrutiny Committee's views and may either amend or adopt the original decision, which shall be implemented with immediate effect.

Electoral Divisions(s): Priory & St Leonards

FRAMEWORK DECISION

None

KEY DECISIONS

- 9 Cross-Boundary Strategy and Plan Making - Greater Exeter, Plymouth & South West Devon and Northern Devon (Pages 23 - 30)

Report of the Head of Planning, Transportation & Environment ([PTE/16/42](#)) on the County Council's involvement in the development of cross-boundary strategy and planning incorporating proposed governance arrangements, attached.

Electoral Divisions(s): All Divisions

- 10 Transport Capital Programme 2016/2017 (Pages 31 - 44)

Report of the Head of Planning, Transportation & Environment ([PTE/16/43](#)) on the revised transport capital programme for 2016/17, excluding maintenance, attached.

Electoral Divisions(s): All Divisions

- 11 Extension of Exe Estuary Walking and Cycling Route: Dawlish Warren to Dawlish (Pages 45 - 52)

Report of the Head of Planning, Transportation & Environment ([PTE/16/44](#)) seeking approval to two schemes to complete the Exe Estuary walking and cycling route from Exeter via Dawlish Warren to Dawlish Town Centre, attached.

Electoral Divisions(s): Dawlish

- 12 Budget Monitoring 2016/17 (Pages 53 - 54)

Report of the County Treasurer ([CT/16/72](#)) on the position at Month 4, attached.

Electoral Divisions(s): All Divisions

OTHER MATTERS

None

MATTERS REFERRED

- 13 Notices of Motion (Pages 55 - 58)

Report of the County Solicitor ([CS/16/27](#)) on the Notices of Motion referred to the Cabinet by the County Council on 28 July 2016, incorporating relevant briefing notes to facilitate the Cabinet's discussion of the matters raised, attached

- 14 People's Scrutiny Committee: Small Schools Task Group (Pages 59 - 78)

The People's Scrutiny Committee at its meeting on 5 September 2016 (Minute *16) considered the Report of the Task Group ([CS/16/31](#)) examining the issues faced by small schools and outlining proposals to help them meet the challenges facing them in the future, which were commended to Cabinet.

Recommendation: that the Task Group's proposals be endorsed and the Head of Education & Learning take all appropriate action, working with partner organisations, to give effect thereto, reflecting also the recent changes to the Government's Education White Paper *Education Excellence Everywhere*.

Electoral Divisions(s): All Divisions

STANDING ITEMS

- 15 Question(s) from Members of the Public

- 16 Minutes (Pages 79 - 80)

(a) Devon Authorities Strategic Waste Joint Committee – 29 June 2016.

[NB: Minutes of County Council Committees are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>]

- 17 Delegated Action/Urgent Matters (Pages 81 - 82)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A summary of such decisions taken since the last meeting is attached.

- 18 Forward Plan

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at:
<http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0&bcr=1>]

KEY DECISIONS

- 19 Provision of the Youth Service for Devon (Minute 401/14 October 2016) (Pages 83 - 86)

Report of the Strategic Director, Place ([SPL/16/2](#)) on the procurement process for awarding a contract for the future delivery of the Youth Service, attached.

Electoral Divisions(s): All Divisions

- 20 Highways Term Maintenance Contract 2017/27 (Minute *340/13 May 2015) (Pages 87 - 96)

Report of the Head of Highways, Capital Development & Waste ([HCW/16/67](#)) on the procurement process for awarding a new Highways Term Maintenance Contract, for services currently provided by South West Highways, attached.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

21 Exclusion of the Press and Public

Recommendation: that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of current providers or tenderers for the provision or supply of council goods or services, and of the County Council and partner organisations and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

22 Youth Service for Devon: Award of Contract

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Strategic Director, Place ([SPL/16/3](#)) on tenders/bids received for the future delivery of the Youth Service, circulated separately GOLD paper.

23 Highways Term Maintenance Contract 2017/27: Award of Contract

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Head of Highways, Capital Development & Waste ([HCW/16/18](#)) on tenders received for the Highways Term Maintenance Contract, circulated separately GOLD paper.


MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at <http://www.devon.gov.uk/cma.htm>

Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership
Councillors J Hart (Chairman), B Parsons, S Barker, R Croad, A Davis, A Leadbetter, J McInnes, J Clatworthy and S Hughes
Cabinet Member Remits
Councillors Hart (Policy & Corporate), Barker (Adult Social Care & Health Services), Clatworthy (Resources & Asset Management), Croad (Community & Environmental Services), Davis (Improving Health & Wellbeing), S Hughes (Highway Management & Flood Prevention), Leadbetter (Economy, Growth and Cabinet Liaison for Exeter), McInnes (Children, Schools & Skills) and Parsons (Performance & Engagement)
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website.
Webcasting, Recording or Reporting of Meetings and Proceedings
<p>The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/</p> <p>In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p> <p>Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.</p>
Questions to the Cabinet / Public Participation
<p>A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.</p> <p>Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/</p>
Emergencies
In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.
Mobile Phones
Please switch off all mobile phones before entering the Committee Room or Council Chamber
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
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