

CABINET

14 December 2016

Present:-

Councillors J Hart (Chairman), S Barker, J Clatworthy, R Croad, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons

Members attending in accordance with Standing Orders 8 and 25

Councillors P Bowden, A Connett, P Diviani, A Hannan, R Julian, A Moulding and R Westlake

* 110

Minutes

RESOLVED that the minutes of the meeting held on 9 November 2016 be signed as a correct record.

* 111

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 112

Chairman's Announcements

There was no announcement by the Chairman at this meeting.

* 113

Petitions

The Chairman was presented, by a Ms D Corp, with a petition organised by the Blackdown Hills Action Group containing 924 signatures (including approximately 500 signatures of residents of the administrative County of Devon) urging the Council to withdraw the proposed scheme for the improvement of the A30 and come forward with more modest proposals that would meet local needs without inflicting unacceptable harm on the Blackdown Hills AONB.

Members would have regard to this petition, alongside all consultation responses received, during the Cabinet's consideration of that matter at this meeting (Minute *118 below refers), accepting that the Petition had not yet been verified or validated in line with the Council's Petition Scheme.

* 114

Question(s) from Members of the Council

There was no question from a Member of the Council.

* 115

Target Budget 2017/18

(Councillors Connett, Hannan, Julian and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/16/81) on the preparation of the Council's Budget for 2017/18 noting that the Secretary of State for Communities & Local Government had - at the time this Report had been prepared - yet to announce details of the provisional Local Government Settlement for 2017/18.

Members acknowledged that Government had previously offered some certainty of funding for the period 2016/17 to 2019/20 where Local Authorities had submitted an Efficiency Statement. The County Council had taken up that option and its efficiency statement had been accepted, meeting the criteria for the four year settlement. Nonetheless, the provisional

settlement was still important to provide assurance that the settlement figures for 2017/18 did not differ significantly from those previously provided or had not been amended because of other factors or recent events.

The Cabinet noted that the Chancellor of the Exchequer's Autumn Statement, made on 23 November 2016, had been silent on Adult Social Care funding or funding for local government services and there had as yet been no specific announcement relating either to Council Tax precept or continuation of the Adult Social Care precept allowed in 2016/17.

The Provisional Finance Settlement would, as usual, be subject to a period of consultation and the final settlement was not expected until late January or early February. While the timing of the Final Settlement was not known it was nonetheless anticipated, based on precedent, that it would be received in sufficient time for consideration at the scheduled budget meetings in February 2017. The level of Council Tax increase that would trigger a referendum was expected to remain at 2% but this was also subject to confirmation.

Notwithstanding the lack of clarity referred to above, and the inherent uncertainty around the provisional settlement, the Cabinet was recommended to adopt service targets based on it being broadly in-line with the indicative settlement received in February 2016. Members were advised that the County Treasurer would report further to the next Cabinet meeting should it be necessary so to do; there being at this stage no need to change the subsequent timetable for consideration and determination of the budget. The setting of service targets as now recommended was acknowledged as the beginning of a process of determining the County Council's budget which, following a period of consultation within the Council and externally, would culminate in the Cabinet, on 10 February 2017, formulating a budget for consideration by the County Council on 16 February 2017.

Cabinet Members referred to continuing representations made to Government direct and via Devon Members of Parliament about the Council's budgetary position and on funding for specific service areas such as education and health and social care and, in the case of the latter, also on the need for transitional funding and the desirability of early allocation of Better Care Funding.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Clatworthy, **SECONDED** by Councillor Hart and

RESOLVED

- (a) that the lack of clarity with the Provisional Finance Settlement be noted;
- (b) that revenue spending targets for the 2017/18 Revenue Budget be as follows:

	2016/17 Adjusted Base Budget* £000	Inflation & Pressures £000	Savings & Income Initiatives £000	2017/18 Base Budget £000	
Adult Care & Health	197,747	26,936	(8,190)	216,493	+ 9.5%
Children's Services	115,827	7,843	(5,539)	118,131	+ 2.0%
Communities, Public Health & Prosperity	33,311	2,468	(576)	35,203	+5.7%
Corporate Services	33,466	2,283	(2,397)	33,352	-0.3%
Highways, Infrastructure Development & Waste	58,437	3,496	(5,527)	56,406	-3.5%
	438,788	43,026	(22,229)	459,585	
*adjusted for Permanent Virements					

(c) that the capital programme be determined by the Cabinet on 10 February 2017.

[NB: As in previous years and as part of the detailed budget preparation exercise that would follow the setting of target budgets, the Cabinet and Council would necessarily also have regard to appropriate assessments of the impact of the budget on services and be mindful of any legislative and equality considerations; such assessments would also be made available to relevant Scrutiny Committees to be taken into account as part of their deliberations and in order that all Members shall have regard to the requirements placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010, before making any decisions. The 2017/18 Budget Impact Assessment will be available, alongside any specific impact assessments undertaken as part of the budget's preparation, at: <https://new.devon.gov.uk/impact/published/budget-setting-201617/>].

* 116

Axminster Millbrook Flood Improvement Scheme

(Councillors Connett, Moulding and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Moulding declared a personal interest in this matter by virtue of being the Honorary President of the Cloakham Lawn Sports Centre situated in the vicinity of the area at risk of flooding).

The Cabinet considered the Report of the Head of Planning, Transportation & Environment (PTE/16/65) seeking scheme and estimate approval to the second phase of the Millbrook flood improvement scheme in Axminster, due to start in January 2017, to significantly reduce the risk to over 160 properties by the Millbrook and the frequency of flooding experienced there on a number of occasions in recent years, The Axminster Millbrook catchment was considered to be one of the Council's highest priorities for flood improvement works.

The scheme now proposed would cost in the order of £490,000 and would include enlarging the existing culvert under Willhay Lane, extending it under the London to Waterloo railway line, installing a tree catcher upstream from the culvert to prevent blockage and widening the channel downstream of the railway. Phase 1 of the scheme (which had included the construction of a flood defence wall upstream of the Willhay Lane culvert) had been undertaken in 2015 and this scheme was included as an essential partnership contribution towards the overall scheme and the consideration of Defra Flood Defence Grant in Aid.

The Head of Service advised that the Council's request for additional Defra Flood Defence Grant in Aid (FDGiA) for this scheme of £321,000, as shown at paragraph 5 of his Report, had now been approved resulting in a total of £561,000 FDGiA having been made towards the cost of this scheme.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, equality, public health, risk management and legal considerations) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be given to the Axminster Millbrook Flood Improvement scheme at an estimated cost of £998,000;

(b) that the Planning, Transportation and Environment 2016/17 capital programme be increased by £490,000 through additional funding of £100,000 from the County Council's revenue budget for flood prevention works, £50,000 from the Planning, Transportation & Environment revenue flood risk management budget, £240,000 from external grants and £100,000 from external contributions;

(c) that, further, the Planning, Transportation and Environment 2017/18 capital programme be also increased by £371,000 through additional funding of £321,000 from external grants and with £50,000 to be committed from the County Council's revenue budget for flood prevention works.

* **117** **Question(s) from Members of the Public**

The Chairman having exercised his discretion to vary the order of business to enable this item to be considered at this point in the meeting and, in accordance with the Council's Public Participation Rules, the relevant Cabinet Member then responded to a question from a member of the public on the proposed improvement of the A30, responding orally to a supplementary question arising from the above. The Chairman would also respond direct to a further question on the same matter from another member of the public who was not present at the meeting.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below].

* **118** **A30 Honiton to Devonshire Inn Improvement**

(Councillors Connett, Diviani, Julian and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Diviani declared a personal interest in this matter by virtue of being an East Devon District Council and Chairman of the Blackdown Hills AONB).

The Cabinet considered the Report of the Head of Planning, Transportation & Development (PTE/16/66) summarising work undertaken in the preceding year and the outcome of consultations held during August and September of 2016 on possible options for the improvement of the A30 between Honiton and Devonshire Inn; culminating in the proposal now submitted for a preferred route to be taken forward in an Outline Business Case for submission to the Department for Transport.

The Head of Service's Report outlined inter alia (a) the background to and the recognised need for the improvement of the A30 for a number of factors (including improving journey times, quality and reliability, route resilience and encourage economic growth in the area, (b) the issues around and complexity of identifying the most beneficial solution (c) the outcome of consultations held locally in recent months and (d) the involvement of key stakeholders and other partners (e.g. Blackdown Hills AONB, East Devon District Council, Town & Parish Councils, Natural England, Historic England, the CPRE and the Environment Agency), throughout the process of development.

The Cabinet noted that, in respect of the public consultations referred to above, some 887 responses had been received. 53% of respondents agreed with the need for the scheme based upon the current road standard and safety. 56% of those opposing any scheme did so because they favoured an alternative, such as the A358 scheme or dualling which had in some instances already been discounted by Government. Of the 53% of respondents that agreed there was a need for a scheme, 44% preferred the Orange route and 23% were content with any of the suggested options: in total therefore 67% of those in favour had expressed support for the Orange route as the preferred route.

Cabinet Members also reported the receipt of further representations received from members of the public - for and against improving the A30 in this area – and, in accepting that was merely the start of a long process, emphasised it gave weight to the Council's commitment to securing and retaining two strategic highways routes into Devon and the South West.

There was general agreement amongst stakeholders and others such as the Heart of the SW LEP and Devon & Cornwall Business that the route needed improvement while the

Blackdown Hills AONB and CPRE expressed concerns with the environmental impact of both routes suggested, suggesting further work was needed to test less intrusive options.

The Head of Service's Report commented in detail upon all representations received and, notwithstanding the significant work undertaken to minimise the impact of the scheme on the AONB, acknowledged that further identification of mitigation and compensatory measures would be undertaken as the scheme progressed.

The proposal now before the Cabinet was for a preferred route option for highway improvement works only, and did not adopt or approve (for the purposes of Part VI of, and Schedule 13 to, the Town and Country Planning Act 1990, or otherwise) any highway or other land that may be intended to be improved by the Secretary of State. The Report anticipated that the Department for Transport would make a final decision in respect of the specification, location and scope of the improvement works and carry out the improvement works. Further, it was anticipated that Highways England would apply for any relevant development consent orders.

The Head of Service's Report also incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010, where relevant. In acknowledging that the Department for Transport would carry out the works envisaged, it also recognised that the environmental impacts of any proposals would necessarily be fully assessed through separate Environmental Impact Assessments process and posited that the proposed route would have beneficial impacts on safety, journey times and reliability and would benefit the village of Monkton by removing existing heavy traffic. All sections of the community and/or groups of people would be affected equally.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED that the Cabinet hereby proposes the Orange Route to the Secretary of State, as the preferred route for the scheme of improvement works to A30/A303 comprising the creation of a 60mph wide single carriageway standard 2+1 from Honiton to Devonshire Inn, for his view and potential implementation by the Secretary of State.

[NB: See also Minutes 113 and 117 above. The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

119 Development Management Committee: Minerals and Waste Development Framework: Devon Minerals Plan: Inspector's Report and Adoption

(Councillor Julian attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that the Development Management Committee had, on 23 November 2016 (Minute 28), considered the Report of the Head of Planning, Transportation and Environment (PTE/16/57) on the adoption of the Devon Minerals Plan in light of the findings of the Inspector and had resolved:

(a) that the conclusions and recommendations of the Inspector's report on the Examination of the Devon Minerals Plan be noted;

(b) that the Devon Minerals Plan and associated Policies Map be endorsed for consideration by Cabinet on 14 December 2016 and adoption formally by the County

Council on 16 February 2017, respectively, which incorporate the main modifications recommended by the Inspector and the additional modifications that were consulted upon by the Council;

(c) that the Head of Planning, Transportation and Environment be authorised to make further additional modifications prior to adoption of the Devon Minerals Plan and Policies Map that may be required to address factual errors, minor updates and formatting matters; and

(d) that the additional documents proposed in 6.1 of Report PTE/16/57 to assist implementation of the Devon Minerals Plan and the provision for further reports to the Committee be noted.

Having had regard to the advice of the Development Management Committee set out above:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the advice of the Development Management Committee (Minute 28/23 November 2016 refers) be accepted and the Devon Minerals Plan and associated Policies Map be endorsed and adopted formally by the County Council on 16 February 2017;

(b) that the Cabinet place on record its appreciation of the efforts of all those Officers involved in the preparation and approval of this Plan.

* **120** **Scrutiny Committee: Model of Care Task Group**

(Councillors Connett and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Health & Wellbeing Scrutiny Committee at its meeting on 8 November 2016 (Minute 31) had received and commended the Report of this Joint Task Group (CS/16/34) (comprising representatives of the County Council's Health & Wellbeing and People's Scrutiny Committees, Torbay Community Services Review Panel and the Plymouth Wellbeing Scrutiny Committee) convened as part of the on-going work to understand and scrutinise the activities in localities that followed the Sustainability and Transformation Plan. The Task Group Report had acknowledged both the support for the Model of Care (for better outcomes for patients and for more intensive rehabilitation) and the continuing role of Scrutiny as development of the STP continued and individual areas consulted on changes; ensuring upper tier authorities would have a role in ensuring that the voice of the public continued to be heard.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Barker, and

RESOLVED that the Task Group's Report be welcomed and endorsed as an helpful and informative piece of work.

* **121** **Treasury Management Mid Year Stewardship Report**

(Councillors Connett and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer ([CT/16/102](#)) outlining the Council's Treasury and Debt Management activities undertaken during the first half of 2016/17 in line with the CIPFA Code of Practice which had been considered and endorsed by the Corporate Services Scrutiny Committee on 28 November 2016.

The County Treasurer's Report had confirmed that there were no particular issues to draw to the attention of the Cabinet as part of that process. There had been no long term borrowing

to date in the current year and it was not anticipated there would be any need for any new borrowing during the remainder of the current financial year. While some short term borrowing had been required to date there had ultimately been a financial gain to the Council through re-investment of those funds at a higher rate. The Report confirmed that estimated investment income for the current year would also be achieved.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Clatworthy, **SECONDED** by Councillor Hart and

RESOLVED that the Mid-Year Stewardship Report for the 2016/17 financial year be noted and welcomed.

* **122** **Devon Adult's Annual Safeguarding Report**

The Chairman advised that consideration of this item would be deferred to a future meeting: the Chairman of the Devon Safeguarding Adults Board being unable to attend the meeting that day through illness.

* **123** **Minutes**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and

RESOLVED that the Minutes of the following and any recommendations to Cabinet therein be approved:

- (a) Devon Audit Partnership – 16 November 2016, attached;
- (b) Farms Estate Committee - 30 November, attached.

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

* **124** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members and property transactions approved by NPS under the urgency provisions or delegated powers were 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 decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/> .

* **125** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>) .

NOTES:

- 1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.*
- 2. 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.*
- 3. The Minutes of the Cabinet are published on the County Council's website.*
- 4. 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>*

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.40 am



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday, 14 December 2016

1. QUESTION FROM PROFESSOR POTTER Re: A30 Improvement

Why does Devon County Council continue to insist that the A30 Improvement Scheme is 'environmentally led' when a wide range of stakeholders submitting to the consultation, including the Blackdown's Partnership, the National Trust and national CPRE, have all strongly criticised the scheme (and particularly the Orange route) on environmental grounds?.

REPLY BY COUNCILLOR LEADBETTER

The sensitivity of the Blackdown Hills AONB prompted the County Council to adopt an environmentally led approach to option development. This involved very extensive consideration of the potential implications of the scheme proposals upon the character and special qualities of the AONB. The details relating to this assessment process is documented in the Environmental Assessment Report (EAR). Environmental risks were identified and assessed and, at the same time, a range of environmental bodies, particularly statutory agencies, were identified as 'key stakeholders' and engaged in the scoping of the environmental work.

Extensive desk and field-based studies were started and used to plot a wide range of environmental constraints. That data was used by the project team as the starting point in the selection of potential route alignments and the work was conducted through a series of design meetings, involving a wide range of environmental specialists.

The next stage in option development was to build a comprehensive range of mitigation strategies to avoid or minimise conflicts with environmental interests and to compensate for any unavoidable impacts: this included detailed work to optimise the precise route alignments, which included further refinement following comments received during the extensive Public Consultation process.

Natural England, the Blackdown Hills AONB Partnership, the Environment Agency, Historic England and East Devon District Council have all been closely involved in the process through their role as key stakeholders and their attendance at and input to Value Management workshops. There has been additional engagement with other environmental organisations.

Two of the identified scheme objectives relate specifically to environmental considerations, namely to:

- minimise environmental impacts through exemplary approaches to design and mitigation and adoption of sustainable and innovative solutions; and
- ensure that unavoidable impacts on the character and special qualities of the Blackdown Hills AONB are offset through a significant programme of compensatory measures and the inclusion of opportunities for environmental enhancement in line with AONB Management Plan objectives.

The anticipated extent of environmental impacts are assessed and described in detail through the EAR document. Whilst this environmentally led approach could not avoid all such impacts,

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it has addressed them in line with the above objectives and provide a sound basis for the selection of a preferred alignment and consideration against national policy tests.

I would stress that the public consultation responses received from Natural England (the Government's advisors on landscape and ecological issues) and East Devon District Council indicated that they were content with the approach taken by the County Council to the assessment of the environmental impacts and both agreed that the Orange route should be preferred. The Environment Agency, similarly, expressed its preference for the Orange route through the final Value Management Workshop.

2. **QUESTION FROM MS CORP**

Re: A30 Improvement

Why, when only 23% of the respondents to the A30 consultation opted for the Orange route, can the Council claim a majority support the proposal and the preferred route put forward by Devon Highways"

REPLY BY COUNCILLOR LEADBETTER

Of the responses received during public consultation, 53% agreed the need for the scheme. Of those that disagreed, 56% suggested they did so because they favoured an alternative, such as the A358 scheme or online improvements, which have been discounted.

Of the 53% that agreed there was a need for the scheme, 44% preferred the Orange route and 23% were content with any of the options: by extension therefore 67% of those who agreed the need for a scheme approved the Orange route as the preferred route choice.

Key stakeholders (East Devon District Council, Environment Agency, Natural England and Blackdown Hills AONB Partnership) attended a Value Management workshop in November 2016. The workshop attendees did not object to or comments upon the County Council's conclusions and/or on the recommendation to be made to Cabinet.