

CABINET

14 June 2017

Present:-

Councillors J Hart, 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 Y Atkinson, J Brazil, A Connett, A Dewhurst, B Greenslade, R Hannaford, J Hodgson and S Randall Johnson

* 13

Minutes

RESOLVED that the minutes of the meeting held on 31 May 2017 be signed as a correct record.

* 14

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 15

Chairman's Announcements

There was no announcement by the Chairman at this meeting.

* 16

Petitions

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

* 17

Question(s) from Members of the Council

There was no question from a Member of the Council.

KEY DECISIONS

* 18

Revenue and Capital Outturn 2016/17

(Councillors Atkinson, Connett, Greenslade and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of County Treasurer (CT/17/58) on the revenue and capital budget outturn for 2016/17.

Members acknowledged that rigorous, effective financial and budgetary management had again enabled expenditure to be contained within the overall target budget, whilst also allowing for the carrying forward of unspent grants and budgets. Overall, an underspend had been achieved in spite of the significant financial challenges that the Council had continued to face during the financial year in question particularly in relation to People's Services while also enabling a small contribution to reserves.

The Report contained a detailed breakdown of the position within specific service areas and other funding items showing all over- and under-spending and the reasons therefor. Members acknowledged, in summary, that People's Services had ended the year with a net overspend of £9,737,000 with Place and Corporate Services each having registered

underspendings of £1,707,000 and £1,011,000 respectively and the Public Health budget had been on target.

The Cabinet Member for Resources & Asset Management again paid tribute to the County Treasurer and all staff of the Council who had been instrumental in bringing expenditure in under budget for the 26th year in succession; the resulting outturn was highly satisfactory given the continuing significant pressures on services and economic difficulties faced by the Council during the year. The Cabinet Member further acknowledged that the Council had not only dealt with the overspending referred to above but had been able to increase earmarked reserves by £15,300,000 including the proceeds of the settlement in relation to the claim for re-building Dartington Primary School - to offset the 'internal borrowing' set aside for that purpose. This outcome had been achieved through a combination of factors including effective monitoring and management action, good housekeeping in other service areas, income received towards the end of the year and the continuing benefit of changes made to the calculation of the Minimum Revenue Provision Policy in 2015/16.

Members noted that the Council's general working balances at 31st March 2016 was £14,636,000 recognising that the 2016/17 Budget financial risk assessment had indicated that the Council should hold a working balance of about £14,000,000: the outturn would enable £43,000 to be added to the current working balance.

The Cabinet noted the views expressed by Members including those attending under Standing Order 25 – that while recognising the difficulties of delivering services and budgets of the magnitude required in the current climate - on the possible relaxation by Government of public sector funding targets, the merits of increasing earmarked reserves rather than using surpluses to invest in infrastructure or provide services and, more generally, the adequacy of existing budgets.

The matter having been debated and the options 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 this Cabinet note that the draft outturn for 2016/17, after carry forwards and contributions to balances, reserves and provisions, showed an underspend of £43,000 against the approved revenue budget;
- (b) that the 2016/17 revenue outturn be approved, including transactions on earmarked reserves and provisions, spending against budget, the treatment of over/under-spending and the implications for balances, as set out in Report CT/17/58 and the Tables therein;
- (c) that the 2016/17 capital outturn be approved including spending against budget and proposed carry forwards, in accordance with the Tables to Report CT/17/58;
- (d) that the use of capital finance as set out in the Statement of Determination of Capital Finance at page 24 of the Capital Outturn Report be approved;
- (e) that a total of £20,318,000 be set aside from revenue resources as provision for credit liabilities, to repay debt;
- (f) that the Prudential Indicators set out in sections 11-14 of the Capital Outturn Report be noted;
- (g) that the total monies owing to the Council as at 31 March 2017 be noted.

* 19 **Allocation of Additional Adult Social Care Grant**

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

The Cabinet considered the Report of the Head of Adult Commissioning & Health (ACH/17/66) on the proposed allocation of additional monies allocated by Government for 2017/18, which would provide a significant increase in resources available to the service.

The proposed allocations – which would need to be approved not only by the County Council but by both South Devon and Torbay and the Northern, Eastern and Western (NEW) Devon Clinical Commissioning Groups – had been developed in line with national conditions, targeting specific areas of local need and in consultation with health and social care staff and providers.

The Cabinet was recommended to endorse the proposed allocation of the additional funding of £15,100,000 as now outlined in the Head of Service's Report with £4,000,000 for strategic county wide investments and the remaining £11,100,000 for locality footprints and specialist systems, enhancing existing joint working. The resulting schemes would form part of the Council's Better Care Fund (BCF) Plan to be endorsed formally by the Health and Wellbeing Board for formal approval by the NHS England Better Care Fund Support Team.

Members acknowledged that upon completion of the externally imposed approval processes, the allocation to and implementation of programmes of work would commence as soon as practicable in line with the detailed programmes already in preparation which would be made available to Members.

In referring to the need for Impact Assessments to be undertaken, as appropriate (in order that the Council might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010) the Head of Service confirmed that equality considerations had informed the overall funding allocation proposals and impact assessments would be undertaken for each service and for individual schemes as part of the business cases relating thereto.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. sustainability, carbon impact, 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 approval, in principle, be given to the proposed allocation of the £15,100,000 additional funding from Government for 2017/18 as summarised above and outlined in detail in Report ACH/17/66.

* 20 **Promoting Independence in Devon**

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

The Cabinet considered the Report of the Head of Adult Commissioning & Health (ACH/17/67) seeking approval to the proposed policy '*Promoting Independence in Devon*' to enable residents to stay healthy and active in their communities, where possible, with the minimal necessary reliance on publicly funded health and care services.

In commending the proposed policy to the Cabinet, the Head of Service outlined the statutory responsibilities placed upon the Council enshrined in the Care Act 2014 to work in partnership with all relevant partners including NHS bodies in its area, to 'promote

independence', across the full range of services relating to adult social care, children's services and public health.

The Head of Service's Report outlined the principles of and methodology of implementing the proposed policy, as further illustrated at Appendix B to Report ACH/16/67, which would ensure that across Devon all strategies would:

- focus on shared outcomes by developing an outcomes framework based on 'Better Together', and working as *One Council* across all services and in partnership to achieve it;
- reduce future demand and costs by moving resources from acute services towards prevention and early intervention;
- enable citizens and communities to manage their own wellbeing by personalising more services, offering more opportunities for communities to support themselves, and accelerating the devolution of power and resources;
- encourage the public, community, voluntary and private sectors to work better together to achieve outcomes and extend choice.

The Head of Service confirmed that the proposed new policy would not see any change of existing duties or policies: rather it would provide a cohesive statement of the increased emphasis to be placed on working with people, communities and partners to promote independence in Devon - in line with equality legislation and other relevant statutory provisions - to encourage and enable people to use universal services and sources of community and social support as solutions to their needs wherever possible.

The matter having been debated and the options 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 Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED that the proposed '*Promoting Independence in Devon*' policy be adopted.

* **21** **Tiverton Eastern Urban Extension (EUE) A361 Access Junction**

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

(The County Solicitor recused herself from the Cabinet's consideration and determination of this matter by virtue of being a resident of the area affected by the scheme thereby having a conflict of interest that would preclude her from advising the Cabinet if called upon so to do.)

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/17/32) seeking approval to the design and construction of Phase 1 of the access junction with the A361 to the east of Tiverton to allow access to the new Tiverton Eastern Urban Extension (EUE) and to facilitate the development of that site, outlining the background to the scheme development.

The Tiverton EUE development site had been allocated in Mid Devon District Council's Local Plan for up to 2,000 dwellings and a major employment allocation. Traffic Calming measures undertaken on Blundell's Road in 2016 had allowed the first 300 dwellings to be developed on the EUE site.

The scheme as now proposed had been reflected in the Masterplan for the EUE site to accommodate all the development in the Local Plan and future development in that area. The A361 was the strategic link to northern Devon and it was important to ensure the junction was future proofed to operate during peak traffic flows. The junction was required not only to permit the development of the whole of the EUE site but to remove traffic from unsuitable roads and address the safety issues associated with additional traffic using Blundell's Road

where, inter alia, there were over 3,000 pedestrians crossings every day. Failure to address those matters would preclude the development of the site.

The schemes were also delineated in Mid Devon District Council's masterplan for the EUE site and the Local Plan Review which had been submitted to the Planning Inspectorate following two stages of public consultation. A detailed planning application had also been submitted to the District Council in 2014 providing a further opportunity for public consultation.

Notwithstanding the aforementioned, the Cabinet Member for Infrastructure, Development and Waste and the Head of Service reported that the Local Transport Board (LTB) on 13 June 2017 had not - as anticipated - approved the contribution of £1,500,000 to this scheme. It had only approved a contribution in the sum of £250,000 at this stage, indicating that it might be in a position to approve the remainder of the sum in December of this year.

Members expressed their concerns at this decision – and their reservations over the Local Enterprise Board's decision making process in this regard - which would inevitably delay the implementation of a much needed scheme that had already been acknowledged by Government as desirable.

The Cabinet Member confirmed nonetheless that the scheme would proceed as planned, albeit necessarily phased over a longer period of time.

The Head of Service's Report referred to 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. The Assessment acknowledged that the environmental aspects of the proposals would be fully assessed through the separate Environmental Impact Assessment process while concluding that the scheme would make a positive impact on the wider community through improving safety and access to for employment, residential and educational use.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, environmental, 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 Davis, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be given to the junction design shown on drawing C11017/53 embodied in Report PTE/17/32 at an estimated cost of £5,700,000;

(b) that approval be also given to increasing the capital programme for 2017/18 (and subsequent years as necessary) by a total of £2,514,193, funded by developer contributions from the County Council (£14,193 advance funding); from Mid Devon District Council (£1,000,000 advance funding) and external grant, phased accordingly;

(c) that the Head of Planning, Transportation and Environment be authorised, in consultation with the Cabinet Member for Infrastructure Development and Waste and the local County Councillor to make minor amendments to the scheme design.

[NB: 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/>].

STANDING ITEMS

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

There was no question from a Member of the public.

* 23 **Notice of Motion**

(Councillor Greenslade attended in accordance with Standing Order 6 and Councillors Connett and Hannaford attended in accordance with Standing Order 25(2) and all spoke to this item).

The Cabinet considered the Report of the County Solicitor (CSO/17/19) on the following Notice of Motion submitted to the County Council by Councillor Greenslade referred to the Cabinet by the County Council on 27 April 2017 in accordance with Standing Order 8(2) for consideration, reference to another committee or to make a recommendation back to the Council, incorporating a briefing note to facilitate the Cabinet's discussion of the matter raised.

NHS in Devon - Public Enquiry

'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'.

The matter was debated having regard to the aforementioned, the Officer's factual briefing/position statement, representations by the Mover of the Notice of Motion, the possibility of a shift in the national perspective and other suggestions or alternatives or other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

RESOLVED that the Notice of Motion be noted and the Health and Adult Care Scrutiny Committee be invited to consider with the Cabinet Member for Adult Social Care and Health Services how best to ensure the Council's views on the issues raised by the Notice of Motion and reflected upon in Report CSO/17/19 are represented to Government, acknowledging not only the ability of the Scrutiny Committee to require NHS bodies to attend upon it but also to determine decide how best to take this forward.

* 24 **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/>

* 25

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 11.54 am