

CABINET

13 September 2017

Present:-

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

Apologies:-

Councillors J Hart

Members attending in accordance with Standing Orders 8 and 25

Councillors Y Atkinson, F Biederman, J Brazil, P Colthorpe, A Connett, A Dewhirst, B Greenslade, R Hannaford and G Hook

COUNCILLOR CLATWORTHY IN THE CHAIR

* **42** Minutes

RESOLVED that the minutes of the meeting held on 12 July 2017 be signed as a correct record.

* **43** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* **44** Chairman's Announcements

The Vice-Chairman welcomed Mrs. Saltmarsh who was attending the meeting in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* **45** Petitions

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

* **46** Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the Deputy Leader and/or relevant Cabinet Member responded to 5 questions from Members of the Council on rail links to London, the North Devon Link Road, Flood Defence Works, the Review of Defence Establishments in Devon and public sector funding, responding also orally to supplementary questions arising from the above.

[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/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

* **47** Schools Basic Need Capital Investment Proposals

(Councillors Biederman, Colthorpe, 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 Planning, Transportation and Environment (PTE/17/47) seeking approval to the inclusion within the School's Basic Need Capital

Investment Proposals of three high priority schemes planned for the new academic year (2018/19), in advance of the determination of the Council's budget in February 2018.

The Education Infrastructure Plan 2016 - 2033 previously adopted by the Cabinet (Minute*86/12 October 2016) set out an investment programme to ensure the County Council could meet its statutory responsibilities in respect of the supply of sufficient pupil places, reaffirming the Council's aspiration to provide 'local schools' for 'local children'.

The Head of Service now commended to Cabinet the proposals set out in full at Appendix A to Report PTE/17/47 (which aligned directly to the Education Infrastructure Plan and the need for detailed individual infrastructure needs and timescales) for three schemes for a New Primary School in Okehampton, a New Primary School in Barnstaple and additional Special Educational Need places at Charleton Lodge, Tiverton.

The Cabinet Member for Children's Services and Schools reported that the Local Member for Okehampton Rural was supportive of the proposals in his ward.

The Head of Service's Report referred to the Impact Assessments prepared (i) in October 2016 in relation to the aforementioned Education Infrastructure Plan and (ii) to that for new schools, which were underpinned by the principle of access to local education and ensuring communities, where possible, were able to access inclusive provision.

Those Assessments recognised the need for every child to have fair access to schools providing the highest standards of teaching, acknowledging that the process would conform with the requirements of the Council's Education Infrastructure Plan and the Department for Education Guidance for Proposers and Decision Makers and that there were sufficient school places in the order to accommodate any displaced pupils. The transport and travel needs of any such pupil would be fully assessed in accordance with the Council's Environmental and School Transport policies. The Cabinet further noted that the detailed proposal for Charleton Lodge, when developed, would require a new impact assessment.

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

RESOLVED

- (a) that approval be given to the increase in the aforementioned projects detailed more fully at Appendix A to Report PTE/17/47;
- (b) that approval be given to increasing the 2017/18 Planning Transportation & Environment Capital Programme by £651,957 funded by developer section 106 contributions;
- (c) that approval be also given to the allocation of £8,763,342 from the unallocated Basic Need funding in the 2018/19 programme to support the proposals in Appendix A to Report PTE/17/47; and
- (d) that Cabinet acknowledge that the aforementioned proposals for Barnstaple and Okehampton were being forward funded by Basic Need funding in advance of securing further developer contributions.

[NB: The Impact Assessment referred to above could be viewed at: <http://new.devon.gov.uk/impact/> and
<https://new.devon.gov.uk/impact/the-education-infrastructure-plan-2016-2033-revised/> and
<https://new.devon.gov.uk/impact/new-schools-procedure-june-2017/>].

* 48

Newton Abbot East – West Cycle Route Phase 2

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

The Cabinet considered the Report of the Head of Planning, Transportation and Environment ([PTE/17/46](#)) seeking scheme and estimate approval for the Newton Abbot (East-West) Cycle Route.

The scheme now proposed countenanced a shared use path to provide a high quality walking and cycling route along Ashburton Road, Newton Abbot, forming part of an extended, sustainable, transport corridor connecting existing and planned housing developments to the secondary schools, the railway station, local amenities, the Town Centre and the rest of the Town's cycle network. The overview of the design was outlined at Appendix 1 to the report.

The Cabinet noted that Teignbridge District Council would be contributing to the cost of the scheme through the Community Infrastructure Levy in addition to s106 contributions from developers and further outlined the consultations that had taken place with Teignbridge District Council, Local Members and also residents.

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.

The Assessment recognised that not only would the proposal contribute to reducing congestion but it would have a positive effect by providing improved, more accessible, routes for cyclists and non-motorised users, enable easier access for pedestrians to and across side roads, offer safer routes for young people attending schools in the vicinity, including access to public transport links, enable disadvantaged groups to gain access to training and employment opportunities, enable people of all ages to enjoy being active for leisure and sport, improve access to help people better connect with their communities and engage in social activities, contribute to physical and mental health and wellbeing among the older population by providing an active means of independent mobility and help tackle health problems, such as those associated with obesity and air quality.

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

RESOLVED

(a) that approval be given to the construction of the scheme shown on Plan number BB2300384 REV1 in Appendix to Report [PTE/17/46](#) at an estimated cost of £1,450,000;

(b) that the Head of Planning, Transportation and Environment be authorised, in consultation with the Cabinet Member for Highway Management and local County Councillor, to approve minor changes to the scheme design.

[NB: The Impact Assessment referred to above may be viewed at: <http://new.devon.gov.uk/impact/>.]

* 49

Tiverton Parkway Station Footpath

(Councillors Biederman, 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 Planning, Transportation and Environment ([PTE/17/48](#)) seeking scheme and estimate approval for the construction of a new footpath serving Tiverton Parkway Station and surrounding area to improve access to the station, to which Great Western Railway had contributed £100,000. The Head of Service also sought authority to advertise the necessary Traffic Orders.

The proposed scheme detailed in the Head of Service's Report would provide: a footway Link from the Station to Sampford Peverell, two new bus stops along Lower Town to provide sustainable connectivity with the footway, new street lighting from the recently extended station car park along the access road to the station and along the C105 Lower Town between Whitnage Road and Ayshmeade Lodge, improvements to the National Cycle Network (C105 - Lower Town to the west of Ayshmeade), a surface course to the off-road cycle route between C105 Lower Town and the route along the Grand Western Canal, a reduced speed limit of 30mph along the length of the new lighting and existing parking restrictions along the road to the railway station being extended to include Saturday and Sunday. Cyclists would necessarily benefit from the street lighting, the crossing of the C105 Lower Town and the improved surface on the connecting link to the Grand Western Canal.

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.

That assessment recognised the positive impact of the Strategy and that no unmanageable impacts had been identified: the design of the scheme had considered the needs of all road users and significantly improved access to the station for those without a car.

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

RESOLVED

(a) that approval be given to the construction of the Tiverton Pathway footpath and cycle/bus stops scheme as shown on drawing C16008/12 at Appendix 1 to Report PTE/17/48 at an estimated cost of £325,000;

(b) that approval be given to advertise any required Traffic Regulation Orders and if no objections are received, to the Orders being made and sealed;

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

[NB: The Impact Assessment referred to above may be viewed at: <http://new.devon.gov.uk/impact/>.

* 50

E4 Cycle Route (Phase1): Cumberland Way, Exeter (Minute 38/8 June 2016)

(Councillors Biederman, 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 Planning, Transportation and Environment ([PTE/17/49](#)) seeking scheme and estimate approval to the construction of Phase 1 of the E4 Cycle Route, a two-way cycle track on Cumberland Way (between Hollow Lane and Pilton Lane) and Pinhoe Road, Exeter, with raised crossings for pedestrians and cyclists on road humps at side roads, previously approved by both the Exeter HATOC and the Cabinet.

Members noted that this would be the first of the Exeter strategic cycle routes to be constructed, providing a new class of cycle facility in Exeter and Devon. It would continue the development of Exeter's strategic cycle network, giving priority to the E3, through Heavitree to the City Centre, and E4 routes. The E4 route would connect the east of Exeter, an area of growth and development, with the University. The scheme would be a bi-directional cycle track, segregated from pedestrians and vehicles, and Cabinet noted that the National Productivity Investment Fund and developer contributions were funding the construction of this section of the route.

The Cabinet noted that a special meeting of the HATOC provisionally set for 12 September 2017 (HATOC Minute 14/4 July 2017) to consider the outcome of consultations which had ended on 1 September 2017 had been cancelled as no longer being necessary given there had been no objections to the proposals during the three week consultation period.

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.

The Assessment recognised that not only would the proposal contribute to reducing congestion but it would have a positive effect by providing improved, more accessible routes for cyclists and non-motorised users, enable easier access for pedestrians to and across side roads, offer safer routes for young people attending schools in the vicinity, enable disadvantaged groups to gain access to training and employment opportunities, enable people of all ages to enjoy being active for leisure and sport, improve access to help people better connect with their communities and engage in social activities, contribute to physical and mental health and wellbeing among the older population by providing an active means of independent mobility and help tackle health problems, such as those associated with obesity.

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

RESOLVED

(a) that approval be given to the construction of the proposed E4 Cycle Route scheme (Phase 1) on Cumberland Way, Exeter as shown on drawings 1-3 in Appendix I to Report [PTE/17/49](#) at an estimated cost of £1,713,000; and

(b) that the Head of Planning, Transportation and Environment be authorised, in consultation with the Cabinet Member for Highway Management and the local County Councillor, to approve minor changes 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/>.

* 51 **Budget Monitoring: Month 4**

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

The Cabinet considered the Report of the County Treasurer (CT/17/20) on the financial position at Month 4 outlining areas of specific pressures on budgets, potential under and overspendings in the current financial year and on the management action being taken where individual budget lines were experiencing pressures.

The Cabinet noted that, overall, an underspend of £1,996,000 was forecast for the year-end acknowledging the need for caution in various service areas over the possible impact of winter pressures.

The forecast for Adult Care and Health indicated an underspend of £3.772m, allowing for £1.936m of management action to be achieved, arising in the main from better contract negotiation and demand management and the recently agreed *Promoting Independence* policy. Adult Commissioning and Health was expected to show an underspend of £296,000 from temporary vacancy savings in the commissioning teams. The Learning Disability Service continued to be an area of concern due to increasing numbers of packages and the service still faced other risks such as the impact of the pending HMRC action regarding the National Living Wage compliance for 'sleep-in' night shifts and winter pressures.

Children's Services was forecasting an overspend of £1.643m due again to increasing number of placements within the independent sector and difficulties in securing "step down" from independent residential care through lack of alternative placements. Disabled children's services were also looking at an overspend of £716,000 on children in need short breaks. These overspends would be partially offset by vacancy management, lower legal disbursement and other minor variations which with other savings would reduce that current overspend. The non DSG element of Education and Learning was likely to overspend (on personalised transport and the unplanned Special Educational Needs (SEN) contract cost increases) as was DSG spending on High Needs with a continuing upward trend across SEN provision in numbers and cost.

The Secretary of State had recently announced increased funding for Education of £1.3 billion which, it was anticipated, would include an increase to High Needs funding. Further detail on that level of funding should be known in September and it was assumed that any overspend in this area would not therefore impact on the general fund.

Highways, Infrastructure Development and Waste services were showing a breakeven position, acknowledging the potential for winter pressures and Communities, Public Health, Environment and Prosperity was showing a forecast overspend of £133,000 and Corporate Services were also forecasting a breakeven position.

In relation to capital expenditure, the approved programme was £154,500,000 with a year-end forecast of £140.5m and slippage of £14m (arising from the projects for Marsh Barton station, Newcourt Station, South Devon Highway and a number of School expansion projects).

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 Hughes, and

RESOLVED that the position based on Month 4 be noted.

* 52 **Reference for South Hams HATOC - 7 July 2017 : 20 mph Speed Limit in Marldon**

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

The Cabinet noted that, in considering the outcome of a site visit by Members of the South Hams HATOC relating to the possible introduction of a 20mph speed restriction through Marldon and Compton - and that Committee having been reminded that the Cabinet had previously refused a request for a departure from Council Policy (in light of Governments' advice on 20mph speed limits and the subsequent review of County Council's policy on local speed limits) - the HATOC had expressed its disappointment at the continued delay for this study and had (c) resolved (Minute 36) '*that Officers be asked to meet with Parish Council representatives to consider a scheme or schemes that would allow the extension of existing 20mph zone, notwithstanding the request for a Zebra Crossing that might form part of these proposals; and Members express their disquiet at the continued delays of the Government's review of 20mph speed limits and ask Cabinet to make appropriate representations to the Department for Transport*'.

The Cabinet Member advised that, as previously indicated in his response to a question from Councillor Hook at the County Council on the 8 December 2016 '*the 20mph research project is continuing to make progress and has been extended to the end of 2017 to allow for an additional year of accident data to be included, strengthening the evidence base being considered. The final report will be published in early 2018*', as had been reaffirmed in correspondence with the DfT in August; it would appear that their stated timeline was being maintained.

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

RESOLVED that the HATOCs views be noted and further representations be made to Government reaffirming the County's desire that the Report is shared at the earliest convenience and, at the least, the stated timeline be maintained so that the Report is published in early 2018.

* 53 **Reference from Teignbridge HATOC - St Marychurch Road, Newton Abbot**

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

The Cabinet noted that, in considering the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/63), the Teignbridge HATOC on 13 July 2017 (Minute 40) had resolved that '*(d) that the Cabinet be asked to approve, as a departure from policy, the extension of the 30mph restriction to a position south east of the junction with Twickenham Road, a distance of approximately 425 metres*'.

In light of recent changes in and around Twickenham Road (e.g. the opening of the South Devon Highway) and the time lapse since the Cabinet Member for Highway Management last visited that site, it was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Davis, and

RESOLVED that consideration of this matter be deferred to a future meeting, pending a site visit to the location.

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to a question from a member of the public on fuel poverty.

The Cabinet Member also responded orally to supplementary questions arising from the above.

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

55

Notice(s) of Motion

The Cabinet considered the Report of the County Solicitor (CSO/17/24) relating to those Notices of Motion set out hereunder submitted to the County Council by the Councillors shown, incorporating any factual briefings or position statements on each prepared by the relevant Officers to facilitate the Cabinet's discussion of each Notice of Motion.

(a) Outturn Surplus and Re-allocation of Funds (Councillor Greenslade)

(Councillor Greenslade attended in accordance with Standing Order 8 and Councillors Biederman, Connett, Dewhirst and Hannaford in accordance with Standing Order 25(2) and spoke to this item).

'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15,299 m with no spending being made against the reserves for budget management, business rates risk, emergency, and on street parking in 2016/17.'

Accordingly County Council agrees to compensate all school budgets, which had suffered a £33 per pupil cut in 2017/18, by the equivalent of the loss in their budgets consequent upon this decision taken in setting the County Council's budget for 2017/18.

The cost of this action, approx £2.2m, be met from the earmarked reserve for budget management.

(2) that the County Council organises a round table at which representatives of the Devon schools community debate with all the MP's representing new Devon the issue of future school funding including a revised schools funding formula.'

The Mover of the Notice of Motion having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the underlying principles therein and his support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any 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 McInnes, **SECONDED** by Councillor Clatworthy, and

RESOLVED

(i) that in light of the actions already undertaken and taken by Cabinet Members, Officers and the wider education community to secure fairer funding for schools, outlined in Report CSO/17/24, the County Council be recommended to take no further action on the Notice of Motion;

(ii) that the Council continue to work with the f40 Group (which represents the lowest funded local authorities) to secure fairer funding for education.

(b) Police & Crime Commissioner (Councillor Dewhirst)

(Councillor Greenslade declared a personal interest in this matter by virtue of his son in law being a serving police officer).

(Councillor Dewhirst attended in accordance with Standing Order 8 and Councillors Biederman, Connett, Greenslade and Hannaford in accordance with Standing Order 25(2) and spoke to this item).

'Devon County Council is extremely alarmed at the proposal by the Police and Crime Commissioner, Alison Hernandez, to drastically reduce the number of PCSOs, the eyes and ears of the force. At a recent consultation by South Devon and Dartmoor Community Safety Partnership, Neighbourhood Watch Co-ordinators, Parish, Town and Borough Councillors, District Councillors and County Councillors described the proposed changes as "dangerous". Members are hearing reports from constituents of massive increases in low-level crime in our towns, villages and rural areas.

Additionally there is a general concern that the Police and Crime Commissioner is unfit and unsuitable for her job after making tactless comments about being "really interested" in licensed firearm owners being allowed to act during terrorist incidents. We endorse Deputy Chief Constable Paul Netherton's view that "Under no circumstances would we want members of the public to arm themselves with firearms".

This Council believes that the Police and Crime Commissioner is wrong to propose reductions in Neighbourhood Policing, that proposals to utilise domestically owned firearms is a crass and inadequate response to mounting concerns about police cuts and that her proposal to appoint a Deputy Police and Crime Commissioner is an appointment that is just not needed in these cash-strapped times.

We therefore request the Chief Executive to contact the Home Secretary requesting she use whatever powers may be available to remove Ms Hernandez from office allowing Devon and Cornwall Police to continue the fight against crime at all levels and that Members of Devon County Council show their lack of support for the Police and Crime Commissioner by voting "No Confidence" in her office'.

The Mover of the Notice of Motion having spoken, seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' support for the recommendation now before the Cabinet and his report of the deliberations of the Police & Crime Panel relating to these matters, and undertaking to provide a further update to the Council after the next Police and Crime Panel meeting, and any 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 Croad, **SECONDED** by Councillor Clatworthy, and

RESOLVED

(i) that, acknowledging the Chief Constable and the Police and Crime Commissioner are aware that the Neighbouring Policing Review outlined in Report CS/17/24 has created uncertainty within local communities the Chief Officer for Community, Public Health, Environment & Prosperity be asked to liaise with the Police and Crime Commissioner to ensure that - as the review is taken forward - there is an opportunity for communities to contribute effectively to the review and that County Councillors are kept Member informed of developments relating to their electoral divisions;

(ii) that the Cabinet endorses the view of the Deputy Chief Constable that allowing licensed firearms owners to act during terrorist incidents would be wholly inappropriate.; and

(iii) that in light of the foregoing, and in accordance with Standing Orders 6 & 8, the County Council the County Council be recommended to take no further action on the Notice of Motion.

(c) Paris Accord on Climate Change (Councillor Hook)

(Councillor Hook attended in accordance with Standing Order 8 and Councillors Connett, Dewhirst Greenslade and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

"The people of Devon, along with vast numbers of people around the globe, were dismayed at the pronouncement from President Trump that he was pulling America out of the Paris Accord on Climate Change. This is a move that will impact negatively on all residents of this planet and is a step back in time. Climate Change is the single biggest threat to mankind, and the policies now to be followed by President Trump will cause it to accelerate. His policies will also undermine the health of the planet and the people who are sustained by the planet. Pollution of water and air are already killing hundreds of thousands prematurely.

This Council condemns President Trump for the action he has taken and will join with others from around the world in conveying to him this error of judgement on his part and request an early reconsideration and reversal of this decision."

The Mover of the Notice of Motion having spoken, the relevant Officer's factual briefing/position statement on the matter, and any 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 Croad, **SECONDED** by Councillor Clatworthy, and

RESOLVED that the County Council (a) endorses the sentiment of the Notice of Motion, recognising that the decision of POTUS is regrettable and, potentially, de-stabilising and damaging to global efforts to tackle climate change through a reduction in greenhouse gas emissions; (b) reaffirms its [the Council's] commitment to the implementation of its Energy Policy, Strategy and Action Plan as the most effective response to this situation and, consequently, (c) the County Council be recommended to take no further action on the Notice of Motion.

* 56

Minutes

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

RESOLVED

(a) that the Minutes of the following be noted:

- SACRE 7, June 2017;
- Farms Estates Committee, 22 June 2017;
- Devon & Exeter Rail Working Party, 14 July 2017.

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

* 57

Delegated Action/Urgent Matters

The Registers of Decisions taken by Members 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/>

* 58

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/mglListPlans.aspx?RPlId=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 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 12.07 pm



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 13 September 2017

1. QUESTION FROM COUNCILLOR GREENSLADE

Re: Coastal Communities

The recent report by the Social Market Foundation revealing how Coastal Communities lag behind, in terms of pay & jobs, highlights how important good communications are to developing economic performance. Therefore could the Leader/Cabinet Member please tell me how the County Council is progressing with implementing my previously agreed notice of motion which calls for direct rail services to be established between Barnstaple & London and return?

REPLY BY COUNCILLOR DAVIS

The provision of a direct rail link between Barnstaple and London would be undertaken by the operator. There are two potential operators:

1. GWR (part of the First group) who currently run the line from Barnstaple to Exeter and Exeter to Paddington.
2. First/MRT who have just won the franchise on the Exeter Waterloo Line.

Initial discussions have taken place with the First/MRT who have not included running direct trains from Barnstaple to London in their new franchise. The next opportunity will be the rebidding of the GWR Franchise in a couple of years. We will be in discussions with potential Franchisees as the process evolves.

2. QUESTION FROM COUNCILLOR GREENSLADE

Re: North Devon Link Road

North Devon Council have supported a notice of motion calling on the County Council to invite the Secretary of State for Transport to come to North Devon for a round table debate on how the Dept of Transport could help the County Council fast track improvements to the Link Road? This is even more urgent given the tragic number of accidents of late. Will the Leader/Cabinet Member agree to invite the Secretary of State for Transport to visit North Devon for this purpose?

REPLY BY COUNCILLOR DAVIS

Jesse Norman MP Parliamentary Under Secretary of State for the Department for Transport visited Tiverton in August 2017. This provided an opportunity for the Council to press the case for improvements to the North Devon Link Road.

The Local Major Bid for improvements to the Link road is due to be presented to the DfT at the end of 2017. It is intended to bring a paper to Cabinet on an approach to improving the route in October.

Bearing in mind this is a competitive bid discussions will take place with DfT and the Local MP to understand the protocol of lobbying the Secretary of State while a bid is being assessed.

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3. QUESTION FROM COUNCILLOR GREENSLADE Re: Flood Defence Works

During the previous County Council support was given to my notice of motion calling on Government to increase funding for flood alleviation. Can the Leader/Cabinet Member say what steps have been taken to action this motion?

REPLY BY COUNCILLOR CROAD

In July 2016 the previous County Council resolved to (i) endorse the spirit of the Notice of Motion raised by Councillor Greenslade and direct Cabinet to continue to call on Government for increased investment in measures to reduce flood risk in ways which fairly reflect the needs of large, rural counties such as Devon and (ii) endorse the ongoing implementation of the priorities set out in the Devon Local Flood Risk Management Strategy in collaboration with all relevant bodies, making best use of available resources.

Since then, suitable opportunities have been taken to pursue such action through direct contact with central government and close engagement with the Flood and Water Management Group of the Association of Directors of Environment, Economy, Planning and Transport (ADEPT). This has included:

- a) sustained research and lobbying of Defra by ADEPT on the funding allocated to local government to address flood risk through Sustainable Drainage Schemes;
- b) representation to the Department for Communities and Local Government about its property level resilience scheme and support for flood victims;
- c) input to the Defra evaluation of the effectiveness of its current approach to investment in flood prevention, specifically highlighting the need to address the prioritisation of schemes in rural communities.

As part of the Autumn Statement in November 2016, the Government announced the allocation of an additional £15m for natural flood management measures. Devon has been successful in securing £1.05m of this funding for four projects in North Devon (x 2), East Devon and on Dartmoor.

This Council continues to be successful in its bids for national flood defence grant-in-aid and for contributions from the 'local levy' to support the delivery of its high priority flood defence schemes, as set out in the investment programme approved by Cabinet each spring. These funding sources are also being used for the new 'Property Level Protection Grants' being offered by the Council for flood resilience measures undertaken by individual householders. As a result of its collaboration with other Risk Management Authorities, the County Council anticipates spending in excess of £2.5m on flood management issues in the current financial year.

4. QUESTION FROM COUNCILLOR GREENSLADE Re: Defence Establishments in Devon

At the last County Council meeting I was concerned by the Leader's answer saying he saw no urgent need to commission an economic impact study into the effect on the Devon economy arising from Government plans to close RMB Chivenor and make other changes to defence establishments in the County. Does the Leader/Cabinet Member not accept that if we are to mount a successful campaign to retain these important defence establishments in Devon an economic impact study prepared now is needed?

REPLY BY COUNCILLOR BARKER

The MOD Estate Optimisation Strategy announced the intention to close RMB Chivenor by 2027, as part of the MoD's efforts to reduce the size and costs of its estate. In March 2017, the Secretary of State for Defence stated that the Ministry of Defence has not made final decisions about the future of RMB Chivenor, but that he expects it to do so within 18 months.

To ensure that we are prepared for every eventuality, Devon County Council, North Devon Council and Somerset County Council are submitting a joint bid to the Local Enterprise Partnership for funding to commission an assessment of the economic potential of both the RMB Chivenor and RMB Norton Manor Camp (near Taunton) sites.

As part of a broader partnership of local authorities and public bodies across Devon & Torbay, we have also submitted an initial expression of interest into the government's One Public Estate programme. If successful, and subject to a full application and agreement from other members of the Partnership, that programme could potentially support the development of options for future uses for the Chivenor site.

5. QUESTION FROM COUNCILLOR ATKINSON
Re: Public Sector Funding

As we approach the budget review process at Devon County Council, no one in government seems able to tell us how authorities will be funded after 2020 when we are supposed to become self-financing. Having seen our revenue budgets cut by 76% since 2010 in the name of austerity, DCC is already facing financial crisis compounded by funding for adult and children's social care consuming two-thirds of our budgets.

It seems DCC, like other English local authorities is currently facing financial meltdown. This will be compounded with the phasing out of a central revenue support grant without the compensation of a locally held business rate underpinned by a yet-to-be defined redistribution formula, in which rich councils would have to help compensate the poorest like Devon, with its small tax bases yielding low business rates. As we have a legal requirement to balance our books – how can we achieve this and maintain services at the current already severely diminished level after 7 years of government austerity without continuing central government revenue support grant? How does the uncertainty over funding affect our ability to develop a sustainable effective strategy and financial plan over the next and subsequent financial years? What steps will the current administration take to ensure Devon gets fair funding to maintain and improve the current level of services and will be subject to no more cuts?

REPLY BY COUNCILLOR CLATWORTHY

The Medium Term Financial Strategy identifies the loss of the Revenue Support Grant and the scale of the challenge ahead of the authority if sufficient alternative funding is not forthcoming. There is still uncertainty over the timing and content of 100% Business Rates Retention but the recent announcement of the continuation of the existing Business Rates Pilots and the addition of new Pilots for 2018/19 is welcome news.

The County Council continue to work with partner organisations to lobby Government for fairer funding and will take advantage of every opportunity for fairer and sustainable funding for Devon.

Minute Item 54

Minute Item 54



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday, 13 September 2017

1. QUESTION FROM DR K CRAWFORD Re: Fuel Poverty

The 2017 Fuel Poverty report and statistics show that in rural counties such as Devon the rate of Fuel Poverty is increasing. Given that the statistics are down to Lower Super Output Areas, (approximately 400 households); what is Devon doing to alleviate fuel poverty in the parishes/wards that have the highest level; some with one in four households affected.

REPLY BY COUNCILLOR CROAD

In relation to the work of the Health and Wellbeing Board, housing and fuel poverty is a factor in the Joint Health and Wellbeing Strategy (www.devonhealthandwellbeing.org.uk/strategies), which in turn will inform local authority and NHS plans.

One of the main interventions locally, as mentioned in the 2016-19 strategy, is the Cosy Devon partnership, which is supported by the local authorities across Devon, and supports people with insulation and energy efficiency: <http://www.cosydevon.com/>

Beyond this, the eight local authority districts in the Devon County Council area each have specific responsibilities in respect of housing and local strategies and policies for dealing with local issues. The Devon Strategic Housing Group draws much of this together: <https://www.dshg.org.uk/> plus the individual housing strategies of the individual districts (available on their websites or through a search engine).

As I believe the questioner has previously been advised, fuel poverty is an indicator within current JSNA area profiles, which drill down to a small area level and are available for a wide range of area types: www.devonhealthandwellbeing.org.uk/jsna/profiles. It also features within the Devon JSNA overview where the main issues affecting health and wellbeing in the county are summarised, including a map showing variations at a local level: www.devonhealthandwellbeing.org.uk/jsna/overview.

It is recognised that fuel poverty is a challenge – and is highlighted as such for Devon both within the JSNA and the Joint Health and Wellbeing Strategy, hence the inclusion of this measure in the outcomes report and the inclusion of more detailed information in the JSNA. Data presented through the Health and Wellbeing Board outcomes report provides an overview of priorities in the Joint Health and Wellbeing Strategy to the Board, which is focused on larger areas such as local authorities and health localities. The differences within the county, particularly between urban and rural areas are of note, and these differences at a local level are investigated and presented in more detail within our Joint Strategic Needs Assessment (JSNA), the latest update of which was presented to the Healthy & Wellbeing Board in June.